

RADICALS AND THE CENTER: ACTION AND REACTION IN AMERICAN POLITICS

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Abstract

This thesis proposes that radical actors interact with the political center in several distinct modes: reactive, cooperative, and confrontational. In the reactive mode, they respond to undesired changes imposed by the political center i.e., to shifts in policy which threaten their existing position. In the cooperative mode, they tacitly ally with more mainstream actors in advancing a shared policy agenda. In the confrontational mode, they attempt to change an undesired policy by coercion. This thesis proceeds to a series of case studies, drawn primarily from American political history, which illustrate each of these modes. The first chapter addresses the reactive mode, showing that while radical actors are sometimes assumed to oppose the status quo, they may in fact be defending the status quo. It also proposes ways in which “reactive radicalism” may be mitigated, by incorporating stakeholders into the policy process. The second chapter studies cooperation, finding that mainstream political actors will collaborate with radicals when they face deeply entrenched opposition from the political center, making the potential advantages of such an alliance outweigh the risks. The third chapter focuses on confrontation, and the circumstances under which radical actors can succeed. The key findings are that radicals thrive when the political center is divided and unable to effectively suppress them, and that they are most likely to succeed when they enjoy elite patronage and pursue narrowly defined goals. The final chapter surveys the contemporary American political scene and asks what form radicalism is likely to take in the near future, concluding that divisions at the political center will likely contribute to an intensification of radical activity.

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Introduction: Defining the Radical and the Center

“Radicals”, “extremists”, “fringe” and other such terms have lately begun to permeate political and academic discourse. In political discourse, they are almost invariably used as a smear, an attempt to push a political actor or position beyond the boundaries of respectable opinion –references to Representative Ocasio-Cortez as a “radical socialist”¹, for example. More thoughtful considerations shows the difficulty of defining “radicals” and “extremists” in anything but a relative sense. The “fringe” and the “center” or “mainstream” can only be understood by comparison to each other. Their positions can shift over time and vary from one society to the next. History is full of radical groups whose ideas became the norm years or generations later. Freedom of religion, largely taken for granted in the United States today, was championed by the Levellers in the English Civil War more than a century before the Bill of Rights was drafted.² At the time, the Levellers were a fringe within a fringe, with even revolutionary Puritans regarding their ideas as extreme.³ Today of course, such ideas are commonplace. Similar processes could be described for the abolition of slavery⁴ or the gradual extension of voting rights to ever-greater segments of the population.⁵

Before going further, it is useful to define terms clearly. For purposes of this thesis, “radical actors” are those who operate outside of commonly-accepted channels in pursuit of policy changes. There is no hard-and-fast line which separates radical actors from more

¹ “Marjorie Taylor Greene Accused of ‘Verbal Assault’ on Alexandria Ocasio-Cortez,” *BBC News*, May 13, 2021, sec. US & Canada, <https://www.bbc.com/news/world-us-canada-57109040>.

² Michael Curtis, “IN PURSUIT of LIBERTY: THE LEVELLERS and the AMERICAN BILL of RIGHTS” (, 1991), https://conservancy.umn.edu/bitstream/handle/11299/166045/08_02_Curtis.pdf.

³ Ibid

⁴ Adam Rothman, “Review: ‘the Slave’s Cause: A History of Abolition’ by Manisha Sinha,” *The Atlantic* (The Atlantic, March 14, 2016), <https://www.theatlantic.com/magazine/archive/2016/04/the-truth-about-abolition/471483/>.

⁵ National Geographic Society, “Voting Rights throughout United States History,” National Geographic Society, July 24, 2020, <https://www.nationalgeographic.org/article/voting-rights-throughout-history/>.

mainstream actors; radicalism is a spectrum. By way of illustration: a letter writing campaign protesting a proposed housing development is less radical than a protest in which activists chain themselves to trees in an effort to prevent development. Such a protest in turn is less radical than a campaign of sabotage against industrial equipment, which would itself be less radical than violent attacks on equipment operators. An attempt has been made to employ consistent terminology throughout, but where terms like “extremists” or “fringe” occur, these should be read as synonyms for “radical.”

“The Center”, by contrast is the proverbial “center of power” those institutional and societal actors who are best positioned to influence state policy through societally-accepted channels. This is the group C. Wright Mills described as the “Power Elite”⁶. The exact margins of the political center are hard to pin down. As with “radicalism”, political actors may be thought of along a spectrum of distance-from-the-center. In the United States, no one person has absolute and final political authority, but most would agree that a Senator is closer to the political center than a small-town mayor, who is in turn closer to the center than a member of some disenfranchised minority. Factors which shape the margins of the political center include governmental structure and organization, class, social mobility, and the nature and degree of popular political participation.

In understanding the political center, it is useful to draw on the concept of the metropole. The term originally referred to the homeland of the various European colonial empires, but it can also be used to describe the relationship between more and less influential elements of society. In Canadian history, by way of illustration, the metropolitan model thesis has been used to explain

⁶ Mills, C. Wright *The Power Elite*. New York: Oxford University Press, 1956.

the politics and history of Northwestern Ontario.⁷ Northwestern Ontario is characterized as regional hinterland, a word which itself implies subordination to an external capital.⁸ The Northwestern Ontario region's relationship with the more developed urban regions is characterized by economic and political dependency, with local markets being heavily dependent on tourism.⁹ The lack of economic opportunities results in a youth population exodus, further diminishing the region's growth potential.¹⁰ The local industries which do exist are largely managed by experts from outside the region, intensifying the locals sense of alienation.¹¹ Infrastructure investment¹² and service provision¹³ are minimal.

In short, Northwest Ontario's relationship with the rest of the country is characterized by "extraction", "frustration", and "parochialism".¹⁴ The region hosts an abundance of radical political groups, ranging from various left-wing actors¹⁵ to separatists¹⁶ to ecological groups concerned with the possible effects of large-scale water-diversion projects.¹⁷ Although this example is drawn from another time and place than the case studies this paper is concerned with,

⁷ G. R. Weller, "Hinterland Politics: The Case of Northwestern Ontario," *Canadian Journal of Political Science* 10, no. 4 (December 1977): 727–54, <https://doi.org/10.1017/s0008423900050873>.

⁸ Ibid, pg 731

⁹ G. R. Weller, "Hinterland Politics: The Case of Northwestern Ontario," *Canadian Journal of Political Science* 10, no. 4 (December 1977): 727–54, <https://doi.org/10.1017/s0008423900050873>.

¹⁰ G. R. Weller, "Hinterland Politics: The Case of Northwestern Ontario," *Canadian Journal of Political Science* 10, no. 4 (December 1977): 727–54, <https://doi.org/10.1017/s0008423900050873>. Page 736

¹¹ G. R. Weller, "Hinterland Politics: The Case of Northwestern Ontario," *Canadian Journal of Political Science* 10, no. 4 (December 1977): 727–54, <https://doi.org/10.1017/s0008423900050873>. Page 737

¹² G. R. Weller, "Hinterland Politics: The Case of Northwestern Ontario," *Canadian Journal of Political Science* 10, no. 4 (December 1977): 727–54, <https://doi.org/10.1017/s0008423900050873>. Page 738

¹³ G. R. Weller, "Hinterland Politics: The Case of Northwestern Ontario," *Canadian Journal of Political Science* 10, no. 4 (December 1977): 727–54, <https://doi.org/10.1017/s0008423900050873>. Page 744 -745

¹⁴ G. R. Weller, "Hinterland Politics: The Case of Northwestern Ontario," *Canadian Journal of Political Science* 10, no. 4 (December 1977): 727–54, <https://doi.org/10.1017/s0008423900050873>. Page 730

¹⁵ G. R. Weller, "Hinterland Politics: The Case of Northwestern Ontario," *Canadian Journal of Political Science* 10, no. 4 (December 1977): 727–54, <https://doi.org/10.1017/s0008423900050873>. Page 747

¹⁶ G. R. Weller, "Hinterland Politics: The Case of Northwestern Ontario," *Canadian Journal of Political Science* 10, no. 4 (December 1977): 727–54, <https://doi.org/10.1017/s0008423900050873>. Page 748

¹⁷ G. R. Weller, "Hinterland Politics: The Case of Northwestern Ontario," *Canadian Journal of Political Science* 10, no. 4 (December 1977): 727–54, <https://doi.org/10.1017/s0008423900050873>. Page 750

many of examples continue to apply. A perceived lack of representation and heavy-handedness on the part of the local or national metropole is a major factor in several of the case studies examined in this thesis: the Malheur occupation, the politics of West Virginia, the Black Patch Tobacco war, the “war within a war” in East Tennessee, and the militia movement of the 1990s are all driven by the same factors that describe the unique political character of Northwest Ontario. Asymmetrical power distributions between distinct interest groups in highly centralized polities seem, in short, to be recipes for discontent.

The actions of the center are constrained, and occasionally impelled, by the so-called Overton Window.¹⁸ The Overton window refers simply to the range of “acceptable opinions” in political discourse. For example, around a quarter of a century ago, gay marriage was supported by only a small minority.¹⁹ At the time, a politician advocating full acceptance of gay marriage would thus have been on the edge of the Overton window of acceptable opinion. Today, gay marriage is fully supported by the majority of the population²⁰, and a politician who endorses it is unlikely to face significant pushback unless he represents an especially hard-right constituency.

A ruling class whose policies push too hard against the limits of what society-at-large will accept is likely to embarrass itself, as shown by the failures of prohibition in both the United States²¹ and the former USSR.²² At the same time, however, the actions of the political center

¹⁸ “The Overton Window,” @MackinacCenter, 2010, <https://www.mackinac.org/OvertonWindow>.

¹⁹ Inc Gallup, “Gay and Lesbian Rights,” Gallup.com, May 29, 2019, <https://news.gallup.com/poll/1651/gay-lesbian-rights.aspx>.

²⁰ Inc Gallup, “Gay and Lesbian Rights,” Gallup.com, May 29, 2019, <https://news.gallup.com/poll/1651/gay-lesbian-rights.aspx>.

²¹ Mark Thornton, “Alcohol Prohibition Was a Failure,” Cato Institute, April 12, 2019, <https://www.cato.org/policy-analysis/alcohol-prohibition-was-failure>.

²² “Anti-Drinking Campaign Fails, Kremlin Admits,” Los Angeles Times, October 26, 1988, <https://www.latimes.com/archives/la-xpm-1988-10-26-mn-114-story.html>.

can shift societal norms. A ruling class which patronizes certain societal groups or ideologies at the expense of others can nudge social norms in one direction or another. The role of political and economic elites in attempting to shape public opinion is well-attested.²³ Equally important is the question of norms *within* the center of power. Gorbachev's calls for *perestroika* and *glasnot*, for instance, represented a radical departure from the previously established norms of the Soviet ruling class.²⁴ Its full repercussions are hotly debated, but no one denies that they were of world-historic importance.

In casual use, terms like “radical” and “center” imply an oppositional relationship. But the interactions between the two are more complex than that. This thesis argues that there are several distinct modes of interaction between the two. The first is oppositional. This is the presumptive standard when the center/radical dichotomy is deployed. In this model, the radical actor is typically considered *confrontational*. The Weather Underground in the United States²⁵, the Irish Republican Army in Northern Ireland (prior to the Good Friday agreement)²⁶, the Ba’ath party in pre-revolutionary Iraq²⁷ are examples of confrontational radical groups who sought to overthrow the center (i.e., the established political order) by armed force.

This, however, is only one of the interactive modes that can exist between the extreme and the center. The second mode is *reactive*. Extremist groups do not spring into existence *ex nihilo*. Nor are they eternal and unchanging. More commonly, they emerge in response to shifts

²³ Edward S Herman and Noam Chomsky, *Manufacturing Consent : The Political Economy of the Mass Media* (London: The Bodley Head, 1988).

²⁴ Avraham Shama, *Perestroika : A Comparative Perspective* (New York: Praeger, 1992).

²⁵ Arthur M Eckstein, “How the Weather Underground Failed at Revolution and Still Changed the World,” Time (Time, November 2, 2016), <https://time.com/4549409/the-weather-underground-bad-moon-rising/>.

²⁶ James B Steinberg, “The Good Friday Agreement: Ending War and Ending Conflict in Northern Ireland - Texas National Security Review,” Texas National Security Review, July 17, 2019, <https://tnsr.org/2019/05/the-good-friday-agreement-ending-war-and-ending-conflict-in-northern-ireland/>.

²⁷ Helen Chapin Metz, “Iraq - POLITICS,” *countrystudies.us* (Library of Congress, 1988), <http://countrystudies.us/iraq/77.htm>.

within the center, i.e., to shifts within the established political order. This is noteworthy because the casual usage of “radical” often implies opposition to the status quo. In fact, as the first chapter will make clear, it possible for radical actors to *defend* the status quo, responding to the perceived erosion of traditional rights and privileges. The occupation of the Malheur wildlife refuge by disgruntled ranchers, frustrated with shifts in Federal land use regulations is an example of a reactive group.²⁸ The popular unrest in England associated with ever-increasing restrictions on land use, stretching back centuries, is another such example.²⁹

The last mode of interaction is *cooperative*. This mode occurs when political actors at or near the center tacitly or explicitly share some goals with more extreme groups. A classic example would be the case of mainstream anti-war protestors and more violent groups in the Vietnam war era, or between mainstream civil rights organizations and groups like the Black Liberation army.³⁰ Another example might the group Hezbollah, which operates as both a paramilitary organization and a public political party, and maintains a (dubious) distinction between the two wings.³¹

These modes of interaction are neither static nor mutually exclusive. The Weather Underground, for example, had a tacitly cooperative relationship with more “mainstream” anti-war groups that operated closer to the center, while it had a confrontational relationship with more hawkish political actors. It is also possible for the actors’ relationships to change over time.

²⁸ By Jim Carlton in Burns Dallas Ore , and Dan Frosch in, “Roots of Oregon Land Dispute Stretch Back Decades,” *Wall Street Journal*, January 6, 2016, sec. US, <https://www.wsj.com/articles/roots-of-oregon-land-dispute-stretch-back-decades-1452042408>.

²⁹ Manning, Roger B. "Patterns of Violence in Early Tudor Enclosure Riots." *Albion: A Quarterly Journal Concerned with British Studies* 6, no. 2 (1974): 120-33. Accessed June 26, 2021. doi:10.2307/4048139.

³⁰ ICSR Team, “The Black Liberation Army and Homegrown Terrorism in 1970s America,” ICSR, April 12, 2012, <https://icsr.info/2012/04/12/the-black-liberation-army-and-homegrown-terrorism-in-1970s-america/>.

³¹ Reuters Staff, “Factbox: Heavily-Armed Hezbollah Is Lebanon’s Most Powerful Group,” *Reuters*, August 18, 2020, <https://www.reuters.com/article/us-lebanon-tribunal-hariri-hezbollah-fac/factbox-heavily-armed-hezbollah-is-lebanons-most-powerful-group-idUSKCN25D1N3>.

The Weather Underground was largely composed of splinter elements from the more mainstream Students for a Democratic Society,³² and after an initial period of aggressively confrontational activity – bombings of federal buildings et cetera – it gradually dissolved and its members largely re-integrated themselves into more mainstream forms of political activity.³³

This thesis deepens the prevailing model of radical-center interactions by differentiating between confrontational, reactive, and cooperative modes, and by discussing the factors which may cause sociopolitical actors to move between different modes. Although the focus is primarily on actors in an American context, the findings may be widely applicable. The first chapter discusses reactive dynamics. It shows how socio-politically marginal actors can respond to shifts at the center of power, becoming radical while essentially remaining in place as changes in centrally-directed policies and norms catch them unawares. It also discusses the ways in which these reactive dynamics can be softened and the conceptual gulf between those at the center of power and those at the margins reduced. By carefully managing this conceptual gulf, political actors can significantly reduce the frictions that inevitably come with social, economic, and political adjustments, maintaining the legitimacy of the established sociopolitical order.

The second chapter focuses on two major political movements which developed in the United States in the 1960s and 1970s: the Civil Rights movement and the Environmental movement. Both of these movements also produced more militant offshoots in the form of groups like the Black Panther Party and Earth First! However, the militant elements of the Civil rights movement were far larger and more prominent than their eco-militant counterparts. This

³² Amanda Miller, “SDS Chapters 1962-1969 - Mapping American Social Movements,” [depts.washington.edu](https://depts.washington.edu/moves/sds_map.shtml), n.d., https://depts.washington.edu/moves/sds_map.shtml.

³³ Arthur M Eckstein, “How the Weather Underground Failed at Revolution and Still Changed the World,” *Time* (Time, November 2, 2016), <https://time.com/4549409/the-weather-underground-bad-moon-rising/>.

chapter provides an explanation for why a relatively small faction of the Environmental movement was drawn to militancy compared to the Civil Rights movement. The key contention is that mainstream actors are likely to ally with radical actors when the mainstream group faces significant and deeply entrenched opposition from other groups equally close to the center of power. In the absence of such opposition, a mainstream group has little to gain from such an alliance, but when that opposition is present, mainstream actors may find advantage in such an alliance.

The last chapter discusses confrontational dynamics. Three cases studies of violent radical actors are examined: paramilitary groups in the American civil war, the so-called “Night Riders” in the Black Patch region of rural Kentucky, and the American militia movement that captured headlines in the late 1980s and early 1990s. These radical groups are united by their use of violence in pursuit of their goals; they are separated by the circumstances of their birth and range of outcomes their violent tactics actually achieved. The key findings are two-fold. First, a weak and divided political center, of the sort which preceded the Civil War, is effectively an invitation for radical actors to emerge, often in cooperation with political elites operating at or nearer the center than their ostensible allies. Second, radical actors which are successful tend to enjoy both elite patronage and to pursue narrowly-defined goals, rather than a grand revolutionary vision.

The conclusion examines the range of interactions prevailing in the American political sphere today. In particular, it asks whether we are approaching a situation where prevailing political institutions are experiencing a legitimation crisis of the sort which preceded the Civil War, and whether we can expect to see an increased frequency of confrontational groups operating in cooperation with elements of the political elite. A comparison of the current political

environment with that preceding the Civil War indicates that the center is indeed weak and divided, precisely the circumstances under which radical actors are likely to thrive. Additionally, the high degree of centralization in the prevailing political structure increase the potential for reactive radicalism, as discussed in the first chapter. The thesis concludes by making recommendations for reducing the likely contributors to radical activity.

Reaction: When Radicals Resist Change From the Center

The introduction discussed the concept of *reactive* radicalism. Reactive radicals, rather than seeking to overthrow the status quo, seek to preserve the existing status quo in the face of changes being imposed by the political center. Highly centralized polities are, by virtue of their centralization, more prone to give rise to such radical actors. This chapter will examine the populist backlash against modern environmental policies as one such instance of this larger phenomena. Because these case studies are largely taken from recent American history, the reactionary actors examined are mostly operating in a right-wing context. But the pattern itself is neither left nor right. Indeed, it predates the formulation of the left-right political spectrum. Nor is it confined strictly to environmental issues. Rather, environmental policy is a subset of larger debates about control and use of resources, a frequent source of contention in any state. Viewed in this light, the populist backlash to the “environmental management state”³⁴ is simply a specific manifestation of reactive radicalism, as this chapter will demonstrate.

The modern conception of environmentalism is a relatively recent development, largely emerging in the late eighteenth and early nineteenth century in response to the industrial revolution.³⁵ Nonetheless, conflicts over what we would now call “environmental issues” have been a feature of human civilization for millennia, and probably predate recorded history. Disputes over grazing-land rights appear in the Book of Genesis.³⁶ Similar conflicts between nomadic pastoralists persist into the twentieth century, at times escalating to armed violence.³⁷

³⁴ Staerklé, Christian and Eva G.T Green. “Right-wing Populism as a Social Representation: A Comparison Across Four European Countries. *Journal of Community & Applied Social Psychology* 28 (6) (2018): 430-45 doi:10.1002/casp.2369.

³⁵ Spears, *Rethinking the American Environmental Movement Post-1945*, 81.

³⁶ Gen 13: 5-9

³⁷ Krieger, Panke, and Pregernig. *Environmental Conflicts, Migration, and Governance (Kindle Edition)*. Chicago. Bristol University Press, 2020. Location 635

Likewise, conflict over non-renewable strategic resources are a significant factor in international geopolitics.³⁸ What is today called environmental policy often centers around questions of who will be permitted to make use of natural resources, and in what way they will be permitted to do so.³⁹ Given the intensity with which such conflicts have been waged in the past and are sometimes waged in the present, and given the increasing stress placed upon the global ecosystem⁴⁰, we are likely to see increasing tensions over environmental answers, both within and between states.

The Populist Conception of the Environment

For those involved, land-use conflicts revolve around questions of self-determination, territorial sovereignty, and economics. There are several key themes within the populist environmental framework, some of which actually predate the modern left-right political divide by centuries. Their age notwithstanding, these components form a more-or-less cohesive lens through which the populist views environmental politics.

The first theme is probably best termed *anti-globalism*. Anti-globalism is a less dramatic term for what Benjamin Barber called “jihad”, an attempt to preserve “a world that existed prior to cosmopolitan capitalism...defined by traditions and historical torpor.”⁴¹ In this respect, they have much in common with the 19th-century romantics who helped give modern environmentalism its shape.⁴² These romantics resented the rise of industrial capitalism and the

³⁸Krieger, Panke, and Pregernig. *Environmental Conflicts, Migration, and Governance*, Location 1165.

³⁹ Kennedy, Amanda, *Environmental Justice and Land Use Conflict: The Governance of Mineral and Gas Resource Development*. First edition. London: Taylor and Francis, 2017. Page 16

⁴⁰ Letters, “Facts about Our Ecological Crisis Are Incontrovertible. We Must Take Action | Letters,” the Guardian (The Guardian, October 26, 2018), <https://www.theguardian.com/environment/2018/oct/26/facts-about-our-ecological-crisis-are-incontrovertible-we-must-take-action>.

⁴¹Barber, Benjamin R., *Jihad Vs. Mcworld*. New York: Times Books, 1995. Page 157

⁴²Pepper, David., John W Perkins, and Martyn J Youngs. *The Roots of Modern Environmentalism*. London: Croom Helm, 1984. Page 76

urban bourgeoisie, which undermined the status and lifestyle of the landed aristocracy.⁴³ For them, the city and its denizens symbolized the ugliness of modernity.⁴⁴ The romantics responded by a turn towards the past; it was in this period that European intellectuals began the glorification of “folk” culture and art.⁴⁵

In contemporary discourse, the populist has adopted many of the same beliefs that the nineteenth-century romantics had about the negative effects of capitalism. The German National Democratic Party (considered a successor to the Nazi party⁴⁶) platform has 15 articles; 4 of them address the negative effects of global capitalism specifically.⁴⁷ The NPD, along with other far-right groups, has also been active in protests against the G8 summit⁴⁸ and against attempts to reduce the German welfare state, territory traditionally occupied by the left.⁴⁹ To be sure, anti-globalization need not be explicitly environmental; it can just as easily be framed in terms of human welfare.⁵⁰ In the case of the populist, the critique of global capitalism tends to focus on the disruption of traditional society and culture by external actors.⁵¹ In this, the populist shares common ground with many “green” movements that have adopted ambivalent or outright hostile attitudes towards global capitalism.⁵²

⁴³Pepper, David., John W Perkins, and Martyn J Youngs. *The Roots of Modern Environmentalism*, 76

Pepper, David., John W Perkins, and Martyn J Youngs. *The Roots of Modern Environmentalism*, 84

⁴⁵Pepper, David., John W Perkins, and Martyn J Youngs. *The Roots of Modern Environmentalism*, 79

⁴⁶Sommer, Bernd. “Anti-Capitalism in the Name of Ethno-Nationalism: Ideological Shifts on the German Extreme Right.” *Patterns of Prejudice* 42 (3)(2008): 305-316 doi:10.1080/00313220802204046. Page 308

⁴⁷ Ibid.

⁴⁸ Ibid. 306.

⁴⁹ Ibid. 309.

⁵⁰ Buttel, Frederick H. “Some Observations on the Anti-Globalization Movement.” *Australian Journal of Social Issues (Australian Council of Social Services)* 38 (1)(2003): 95-116 doi:10.1002/j.1839-4655.2003.tb01138.x. Page 108

⁵¹Barber, Benjamin R., *Jihad Vs. Mcworld*. New York: Times Books, 1995. Page 78

⁵²Buttel, “Some Observations on the Anti-Globalization Movement”, 99

The second, and closely related, key theme is that of *local sovereignty*. The populist conception of community is a fundamentally territorial one,⁵³ in which the land and the people are, if not one, at least intimately connected. In Great Britain, the phrase “England’s green and pleasant land” has become, in the usage of far-right actors, a kind of shorthand for a particular conception of British national identity.⁵⁴ The rhetoric of blood and soil is an extreme formulation of this concept, but the idea of a “civilizational” connection between a people and a geographic region remains a powerful idea in populist political discourse.⁵⁵ Meaningful sovereignty requires a degree of self-determination within a given geographic region,⁵⁶ and populist rhetoric places great emphasis on “taking back” this self-determination from nebulously-defined hostile forces.⁵⁷

These hostile forces are generally imagined as a “corrupt elite.”⁵⁸ Opposing authority figures and structures—whatever their origin—are depicted as fundamentally other and illegitimate. It is important to note that this people vs other discourse need not be framed in nationalistic terms.⁵⁹ The alleged tyrannizing “other” may be a supra-national ruling body, or it may be a group within the nation-state itself.⁶⁰ The other is often vaguely defined only as “the establishment”, existing in opposition to “the people.”⁶¹ In turn, the fate of the land should be in

⁵³Benjamin De Cleen “Populism and Nationalism” Rovira Kaltwasser, Cristóbal, Paul A. Taggart, Paulina Ochoa Espejo, and Pierre Ostiguy. *The Oxford Handbook of Populism*. Oxford: Oxford University Press, 2017.

⁵⁴Emily Turner-Graham, “Protecting Our Green and Pleasant Land: UKIP, the BNP, and a history of Green Ideology on Britain’s Far Right.” in *The Far Right and the Environment: Politics, Discourse and Communication* edited by Forchtner and Bernhard. 58. Milton: Routledge, 2019.

⁵⁵Kaya, Ayhan. *Populism and Heritage In Europe: Lost In Diversity and Unity*. Milton: Routledge, 2019. Page 64-66

⁵⁶Stilz, Anna, *Territorial Sovereignty: A Philosophical Exploration*. First edition. Oxford: Oxford University Press, 2019. Page 2

⁵⁷Posner, Eric. “Liberal Internationalism and the Populist Backlash”. *Arizona State Law Journal* 49 (June 2017): 795-819 <http://search.ebscohost.com/login.aspx?direct=true&db=lf&AN=133802313&site=ehost-live&scope=site>. Page 796

⁵⁸Fernández-García Belen, and Luengo. “Populist Parties in Western Europe”, 59

⁵⁹Rovira Kaltwasser, et al. *The Oxford Handbook of Populism*, 3

⁶⁰Fernández-García Belen, and Luengo. “Populist Parties in Western Europe”, 61

⁶¹Rovira Kaltwasser et al. *The Oxford Handbook of Populism*, 6

the hands of its residents and “rightful owners”.⁶² Any ambiguity about who constitutes a “rightful owner” is glossed over.⁶³

A closely related aspect of the Populist environmental worldview is the concept of *resource sovereignty*, the idea that local populations should be able to dictate the use of, and receive the benefits from, exploitation of local resources.⁶⁴ This idea has been enshrined in international law in the form of United Nations General Assembly Resolution 1803, which declares that states enjoy “Permanent sovereignty” over resources contained within their borders, and are free to develop them as they see fit.⁶⁵ Historically, international law around resource sovereignty has been written with an eye towards protecting the interests of the developing world.⁶⁶ The same core concepts however, can easily be applied to populations within the developed world, a point which is unlikely to escape the notice of populist parties.

This brings us to the last distinctive feature of populist attitudes towards the environment: *human-centrism*. The populist right tends to emphasize the utility of an ecosystem to its human occupants, whether in the case of “wise use” advocates⁶⁷, UKIP’s criticism of European fishery policies⁶⁸ or Polish criticism of logging restrictions.⁶⁹ This tension between conservation – the belief in husbanding natural resources for the common good – and preservation – the belief in the

⁶²Kyle Boggs “The Rhetorical Landscape of the Alt-Right and the Patriot Movement” in *The Far Right and the Environment: Politics, Discourse and Communication* edited by Forchtner and Bernhard. 303. Milton: Routledge, 2019

⁶³Kyle Boggs. *The Far Right and the Environment*, 299

⁶⁴Gonzalez-Arreaza, Alejandro. “Natural Resource Sovereignty and Economic Development in the WTO in Light of the Recent Case law Involving Raw Materials and Rare Earths.” *Review of European Comparative & International Environmental Law*. 26 (2017) (3):266-275 doi:10.1111/reel.12209. Page 267-268

⁶⁵ Bungenberg, Marc., and Stephan Hobe. *Permanent Sovereignty Over Natural Resources*, 6

⁶⁶ Bungenberg, Marc., and Stephan Hobe. *Permanent Sovereignty Over Natural Resources*, 10

⁶⁷Kyle Boggs. *The Far Right and the Environment*, 294

⁶⁸ Emily Turner-Graham. *The Far Right and the Environment*, 58.

⁶⁹Bennet, Samuel and Cezary Kwiatkowski “The Environment as an Emerging Discourse in Polish far-right politics.” in *The Far Right and the Environment: Politics, Discourse and Communication* edited by Forchtner and Bernhard. 247. Milton: Routledge, 2019.

protection of nature “for its own sake” is a recurring struggle within environmental policy-making, dating back at least to the late nineteenth century.⁷⁰ As the examples above show, the right has tended to come down on the side of nature-as-a-resource. Those who oppose resource exploitation on preservationist grounds are frequently accused of standing in the way of progress and prosperity, as in the controversial 1982 House of Representatives report “The Specter of Environmentalism.”⁷¹

It is important to understand that the populist environmental framework did not spring into existence *ex nihilo*. It is also equally important to note that many of the characteristics here ascribed to the populist could also be assigned with equal fairness to the left. Condemnation of the disruptive effects of globalization and an emphasis on local self-determination are common elements of the Green Movement as well.⁷² That is precisely the point. Most of the themes discussed above have deep historical roots, and can be detected in land-use disputes from earlier periods.

A full discussion of land-use conflicts throughout history is beyond the scope of this paper. However, there are two historical case studies worth highlighting, which contextualize these themes in a broader historical tradition and which have bearing on modern environmental policy conflicts. This paper will focus on the discourse around poaching in the English political and literary tradition, and on the so-called “Sagebrush Rebellion” in the United States. Both of these case studies pitted local actors against centralized authority in a struggle over resource-use

⁷⁰Oravec, Christine. “Conservation Vs. Preservationism: The ‘Public Interest’ in the Hetch Hetchy Controversy.” *Quarterly Journal of Speech* 70 (1984)(4): 444 doi:10.1080/00335638409383709.

⁷¹Spears, Ellen Griffith. *Rethinking the American Environmental Movement Post-1945*, 131

⁷² Mi Park, “The Trouble with Eco-Politics of Localism: Too close to the Far Right? Debates on Ecology and Globalization” (, November 2013), <http://www.interfacejournal.net/wordpress/wp-content/uploads/2013/11/Interface-5-2-Park.pdf>.

rights. Both were also characterized by the local actor mobilizing to defend its perceived traditional rights and privileges in the face of law and policy changes i.e., reactive radicalism.

Historical Antecedents: Land-Use Populism in the English Tradition

The English literary and cultural tradition provides many examples of what could be described as “land-use populism”, depicting the intra-national struggle over resource control and exploitation in class terms, as will be shown below. One of the most common is the dispute over game-poaching and the English forestry laws. This conflict has featured in English literature and politics for centuries,⁷³ and was an influential issue in the 19th-century debates over the Corn Laws,⁷⁴ the repeal of which marked a significant shift in British economic policy.⁷⁵

The beginning of English forestry laws are sometimes traced to the era of William the Conqueror.⁷⁶ “The Rhyme of King William,” an eleventh-century poem, condemns William’s overly harsh policies in strong terms: “Whoever slew a hart or a hind was to be blinded...the rich complained and the poor lamented, but he was too relentless to care that all might hate him.”⁷⁷ In fact, laws about forest-usage predated William, but the Norman Conquest seems to have introduced newer, and significantly harsher laws – or at least, they were popularly perceived that way.⁷⁸ Nor did the laws become less severe in time; on the contrary, as population growth placed increasing pressures on the forest, royal authorities seem to have doubled down on their

⁷³ Harlan-Haughey, Sarah. “Forest Law Through The Looking Glass: Distortions of the Forest Charter In the Outlaw Fiction of Late Medieval England.” *William & Mary Bill of Rights Journal*. Volume 25, Issue 2, (December 2016) Page 11

⁷⁴ Osborne, Harvey. “John Bright’s Poacher.” *Agricultural History Review*. Volume 66, Issue 2 (December 2018) P

⁷⁵ Levin-Waldman, Oren M. “From the Corn laws to Free Trade: Interests, Ideas, and Institutions in Historical Perspective.” 23 (2011)(1):146-49

<http://search.ebscohost.com/login.aspx?direct=true&db=eoh&AN=EP57225022&site=ehost-live&scope=site..>

⁷⁶ Green, Judith A. “Forest Laws in England and Normandy in the Twelfth Century.” *Historical Research* 86 (2013) (233):416-431doi:10.1111/1468-2281.12003. Page 1

⁷⁷ Green, Judith A, “Forest Laws in England and Normandy in the Twelfth Century”, 1

⁷⁸ *Ibid.*, p. 6.

prerogatives.⁷⁹ As late as 1198, Richard the Lionheart increased the penalty for poaching to include the loss of testicles.⁸⁰ As seen from “The Rhyme of King William” above, the forestry laws were the object of controversy and popular disdain almost from the moment they were introduced. A frequent implication of the criticism of William’s policies was that he set the welfare of wild animals on the same level, or even above, that of his human subjects.⁸¹ This would become a recurring motif in the discourse around forestry laws.⁸² It seems likely that much of the hostility towards these forest laws was because of their perceived foreign nature; some scholars believe these laws to represent “one of the sharpest breaks in English society after 1066.”⁸³ Their existence was seen as threatening the traditional forest-use privileges that had previously belonged to all Englishmen.⁸⁴

That being the case, it is unsurprising that vernacular English has a long tradition of glorifying poachers as romantic and dashing figures. The genre of “forest law parody” emerged shortly after the Norman conquest, and English popular literature continued to mine this vein for centuries afterward.⁸⁵ The fictional image of the heroic poacher intersected in frequent and surprising ways with on-the-ground reality, as actual poachers patterned themselves after literary models, and as literature incorporated real-life examples.⁸⁶

⁷⁹Green, Judith A, “Forest Laws in England and Normandy in the Twelfth Century”, 6.

⁸⁰Green, Judith A, “Forest Laws in England and Normandy in the Twelfth Century”, 6.

⁸¹Harlan-Haughey, Sarah, “Forest Law Through The Looking Glass”, 11.

⁸² Harlan-Haughey, Sarah, “Forest Law Through The Looking Glass”, 11.

⁸³Green, Judith A, “Forest Laws in England and Normandy in the Twelfth Century”, 2

⁸⁴Clark, Cristy and John Page. 2019. “Of Protest, the Commons, and Customary Public Rights: Ancient Tale of the Lawful Forest”. *University of New South Wales Law Journal* 42 (1): 26–59.

<http://search.ebscohost.com/login.aspx?direct=true&db=1ft&AN=135542427&site=ehost-live&scope=site>. Page 35-38

⁸⁵ Harlan-Haughey, Sarah “Forest Law Through The Looking Glass”, 2.

⁸⁶Harlan-Haughey, Sarah “Forest Law Through The Looking Glass”, 4.

These outlaw ballads often featured themes of savage violence. In *Robyn and Gandelyn*, a pair of poachers are attacked by, presumably, a forester, without even the pretense of a trial.⁸⁷ In the exchange of arrows, one of the poachers, Robyn, is killed, and the surviving outlaw Gandelyn is shot through the crotch, in what may be a reference to the use of castration as punishment specified in earlier iterations of the forest code.⁸⁸ Often these stories contain themes of inverting or overthrowing perceived tyrannical authority. In *The Tale of Gamelyn*, the titular protagonist goes so far as to kill the sheriff and the jurors who condemned him for poaching, and assume the title of King's Forester himself.⁸⁹

In these ballads, violations of the forest law is framed as a form of upward social mobility. In *Robin Hood and the Monk*, Robin and the outlaws charge travelers through the woods for the privilege of traversing "their" territory.⁹⁰ This practice is not simple opportunistic extortion. In the 13th-century Forest Charter, hereditary foresters were given the right to charge travelers for guidance and escort through the forest.⁹¹ By charging travelers, Robin is assuming for himself the prerogative of those above himself in the hierarchy of authority.

The motif of violation-as-social mobility recurs in much of the literature around outlawry. The *Parliament of Three Ages*, a 14th century narrative poem, places considerable emphasis on hunting-as-aristocratic ritual.⁹² One of the primary characters of the poem, the anthropomorphic personification of "youth" speaks at length about the ceremonial trappings of the hunt as a form of noble self-assertion.⁹³ It is significant that poaching was no by means a

⁸⁷Harlan-Haughey, Sarah "Forest Law Through The Looking Glass", 14.

⁸⁸Harlan-Haughey, Sarah "Forest Law Through The Looking Glass", 15.

⁸⁹Harlan-Haughey, Sarah "Forest Law Through The Looking Glass", 20.

⁹⁰Harlan-Haughey, Sarah "Forest Law Through The Looking Glass", 28.

⁹¹Harlan-Haughey, Sarah "Forest Law Through The Looking Glass", 28.

⁹²Schiff, Randy P. "The Loneness of the Stalker: Poaching and Subjectivity in the 'Parlament of the Thre Ages'" *Texas Studies in Literature and Language* 51 (3) (2009):263-93 doi:10.1353/tsl.0.0029. Page 15

⁹³Schiff, Randy P. "The Loneness of the Stalker", 15.

crime only committed by the lower classes. On the contrary, men of rank comprised a small but significant minority of those charged with trespass in the King's forest, for the purpose of killing the king's deer.⁹⁴ This seems to indicate that every level of the social hierarchy of Medieval England, people clashed with the rung above theirs over matters of hunting and land-use. Fundamentally, these struggles about land-use revolved around competition for social and economic privilege. In the framework of the populist: a struggle between "the people", trying to uphold their traditional economic practices and "the elite", attempting to outlaw those practices and monopolize resource access.

Tension over the poaching laws would arguably culminate with the 19th century testimony of Frederick Gowing, described by British Liberal statesman John Bright as "the greatest poacher in England."⁹⁵ The Select Committee on the Game Laws, formed in 1845⁹⁶, was devised by Bright as a public showcase for the injustice of the poaching laws, and as a way to hammer the parliamentary opposition.⁹⁷ Gowing proved a star of the occasion, testifying vividly and at length about the popular opposition to the game laws and the frequency with which they were broken.⁹⁸ Gowing's testimony was symptomatic of the broader divisions of the era, in which modernizing reformers like Bright positioned themselves in opposition to the landed aristocracy.⁹⁹

⁹⁴Birrell, Jean. "Aristocratic Poachers in the Forest of Deen." *Transactions*. Vol 119 (2001). Page 147-'54

⁹⁵ Osborne, Harvey. "John Bright's Poacher." *Agricultural History Review*. Volume 66, Issue 2 (December 2018) Page 215.

⁹⁶ Osborne, Harvey, "John Bright's Poacher", 215.

⁹⁷ Ibid

⁹⁸ Osborne, Harvey, "John Bright's Poacher", 228-230.

⁹⁹ Osborne, Harvey, "John Bright's Poacher", 225

Historical Antecedents: The Sagebrush Rebellion

In the United States, the conflict between “populist” environmentalism and wilderness preservation came to a head in the 1980s in the so-called “sagebrush rebellion.” On one side were populist local actors long accustomed to enjoying certain land-use privileges, motivated by the belief that Federal government was encroaching on their traditional rights.¹⁰⁰ On the other side was an environmental movement firmly convinced that the “sagebrush rebellion” and the counter-reaction it represented threatened to dissolve environmental protections in the name of development.¹⁰¹ It remains relevant to environmental policy conflicts today for two reasons. First, it directly foreshadows ongoing environmental disputes. Second, it demonstrates the extent to which the same themes that animated the conflicts over English game laws persisted centuries later in a different political context.

The roots of the conflict lay in the vast quantities of western land which were under Federal control, and in the ambiguity of Federal land-use policies, which delegated considerable latitude to administrative decision-makers. The figurative opening shot of the rebellion is generally considered to be the passage of Assembly Bill 413 by the Nevada state assembly in 1979.¹⁰² The bill attempted to assert the authority of the state government over the approximately 79% of the state’s land-area that was under the administration of the Bureau of Land Management.¹⁰³ Other western states soon followed suit.¹⁰⁴ All of these states had, as a condition

¹⁰⁰ Spears, Ellen Griffith. *Rethinking the American Environmental Movement Post-1945*. Milton: Routledge, 2019. Page 132

¹⁰¹ Spears, *Rethinking the American Environmental Movement Post-1945*, 137.

¹⁰² Cawley, R. McGregor. *Federal Land, Western Anger: The Sagebrush Rebellion and Environmental Politics*. Lawrence, Kan.: University Press of Kansas, 1993. Page 1

¹⁰³ Cawley, *Federal Land, Western Anger*, 1

¹⁰⁴ Cawley, *Federal Land, Western Anger*, 2

of statehood, been required to relinquish claim to large quantities of land to the Federal government, claims they now sought to re-adjudicate.

The status quo of Federal control had endured for over a century. But events in the 1960s and 1970s had begun to alarm local governments and local populations. Up until that time, the livestock industry – which depended on use of public land for grazing – had enjoyed a degree of preferential treatment from the Bureau of Land Management.¹⁰⁵ Federal law specified grazing as the “dominant use” for Public land.¹⁰⁶ But in the early 1960s, Federal policy began to shift towards one of “multiple use.”¹⁰⁷ Likewise, advisory boards, previously dominated by stockmen, were expanded to include representation of wilderness advocates.¹⁰⁸ Communities which depended on livestock and grazing began to feel less secure in their position. Complicating this issue was the legal ambiguity of “multiple use”. The language of multiple use gave considerable discretionary authority to the Federal Bureaucracy to determine how to prioritize the uses associated with any given piece of land.¹⁰⁹ Confronted with the loss of both legal guarantees and a monopoly on bureaucratic influence, many western communities became increasingly fearful of a shift in policy.

When examining the rhetoric of the Sagebrush rebellion, a clear message of populism and self-determination emerges. As a result of macro-economic trends, western states had experienced an influx of intra-national migration, while northern and eastern states had shrunk.¹¹⁰ In spite of this, western states were generally net-losers in Federal tax revenue.¹¹¹

¹⁰⁵Cawley, *Federal Land, Western Anger*, 21

¹⁰⁶*Ibid*

¹⁰⁷Cawley, *Federal Land, Western Anger*, 20

¹⁰⁸Cawley, *Federal Land, Western Anger*, 22

¹⁰⁹Cawley, *Federal Land, Western Anger*, 20

¹¹⁰ Cawley, *Federal Land, Western Anger*, 77

¹¹¹Cawley, *Federal Land, Western Anger*, 78

They resented this apparent disparity. Matters were further aggravated by President Carter's high-profile budget reductions, which among other things slashed the available funding for water conservation projects at the exact time that the western states were experiencing a severe drought.¹¹² This drought exacerbated the already significant strain that population influx was placing on Western infrastructure. In turn, Western states came to feel that they were effectively "footing the bill" for the rest of the country, their local communities being disrupted by outside forces over which they had no control.

These anxieties were formulated, not in terms of development or preservation, but self-determination. One of the major complaints cited by western states was the environmental damage wrought by development projects, charging that they were being treated as "an energy colony" by the rest of the country.¹¹³ When the Western Governors Regional Energy Policy Office was formed in 1975, one of their first items on their agenda was, ironically, enacting Federal strip-mining legislation.¹¹⁴ In this context, the "left-right" and "preservation-development" divides were entirely orthogonal to the question at hand. Questions of local sovereignty were far more important.

The historical record suggests that the fear of western landowners had concrete political repercussions. Ronald Reagan actively courted the votes of the "sagebrush rebels" while criticizing the excesses of the environmental movement.¹¹⁵ Following his victory in 1980, Reagan appointed James G. Watt as Secretary of the Interior, effectively delivering on his promise to the western states to "work towards a sagebrush solution."¹¹⁶ Watt soon became a

¹¹²Cawley, *Federal Land, Western Anger*, 82

¹¹³Cawley, *Federal Land, Western Anger*, 79

¹¹⁴Ibid

¹¹⁵Cawley, *Federal Land, Western Anger*, 112.

¹¹⁶Cawley, *Federal Land, Western Anger*, 93.

bete noire to the environmental movement, aggressively rolling back environmental protections and courting controversy with his provocative public posture.¹¹⁷ Although Watt eventually resigned under intense public pressure¹¹⁸, Reagan's ascendancy marked, in many ways, the high-water mark of the environmental movement. Prior to this period, environmental protection had been framed as a largely bipartisan issue.¹¹⁹ Reagan entered office on the wave of a "counter-revolution"¹²⁰ and dramatically challenged the policy status quo. Republican support for environmental legislation would decline steadily through the ensuing decades.¹²¹

Case Studies: Modern Environmental Policy Conflicts

We have shown, in the previous sections, how conflicts over what we would now term environmental policy have been a feature of human society throughout recorded history. We have also discussed the distinctive components of the populist's attitudes towards the environment, and shown how those ideas are not uniquely modern concepts but have deep-seated historical roots. What remains is to examine the recent "populist surge", and to ask to what extent, if any, these movements have been driven by environmental policies.

This paper will focus on two case studies both occurring within the United States in the past two decades: the decline of coal-mining in West Virginia and the 2016 occupation of the Malheur wildlife refuge. These case studies have been selected for several reasons. First, they involve environmental-policy conflicts with the features discussed above. They pit relatively small marginalized communities against a central government perceived as overbearing and hostile to traditional, local culture and life-style, and they showcase many of the familiar

¹¹⁷Cawley, *Federal Land, Western Anger*, 118.

¹¹⁸Spears, *Rethinking the American Environmental Movement Post-1945*, 103

¹¹⁹Spears, *Rethinking the American Environmental Movement Post-1945*, 106

¹²⁰Spears, *Rethinking the American Environmental Movement Post-1945*, 109

¹²¹Spears, *Rethinking the American Environmental Movement Post-1945*, 131

rhetorical tropes this paper has previously identified. Additionally, ethnographic researchers have conducted extensive fieldwork within the affected communities, making it possible to glean insights into the thought process of local actors. Lastly, although there are similarities between these two cases, there are also important differences. In some respects, they are a study in contrasts.

Case Study: West Virginia

Historically, West Virginia has had a deep and intense economic and societal relationship to the extractive-resource industry. In the late nineteenth and early-twentieth century, the state underwent a massive wave of growth and industrialization as commercial and industrial interests sought to exploit the state's abundant mineral resources.¹²² In places where such resources were concentrated, the growth was often extraordinary; one county experienced a population growth of 155.3 percent over a single decade.¹²³ The relationship that existed between the miners and their corporate overseers often bordered on the neo-feudal¹²⁴, with company leadership controlling virtually all aspects of civic and economic life within so-called "company towns."¹²⁵

This relationship would often prove contentious over the years. The first known outbreak of violence between miners and mine-companies seems to have occurred in 1908.¹²⁶ In 1912, a strike that began peacefully escalated into violent confrontation.¹²⁷ This violence would continue, in one form or another, for nearly a decade, culminating in the "Mine War" of 1921,

¹²²Green, James R., *The Devil Is Here In These Hills: West Virginia's Coal Miners and Their Battle for Freedom*. First edition. New York: Atlantic Monthly Press, 2015. Page 17-26

¹²³Green, James R., *The Devil Is Here In These Hills*, 20

¹²⁴Green, James R., *The Devil Is Here In These Hills*, 21

¹²⁵Green, James R., *The Devil Is Here In These Hills*, 20

¹²⁶Green, James R., *The Devil Is Here In These Hills*, 68

¹²⁷Green, James R., *The Devil Is Here In These Hills*, 74

where Federal troops were mobilized against armed miners.¹²⁸ In spite of this, coal mining remained an integral aspect of community identity for many West Virginians. In 1987, residents of McDowell county—the same county which had experienced such rapid growth in the early 1900s—would actually attempt to lease the local mine from its corporate owners rather than allow it to fall out of use.¹²⁹ As of 2017, coal contributed \$12.9 billion to the state’s \$77 billion GDP.¹³⁰

Accordingly, it not surprising to find cases where local actors have clashed with Federal Agencies over environmental regulations. The attitudes of the local actors may be judged from their testimony before the Environmental and Public Works Committee of the United States Senate. Senator Shelley Capito stated that “While it may be uncomfortable for EPA officials to face the coal miners whose livelihoods and whose communities are threatened by those regulations, I think West Virginian’s deserve to have their voices be heard.”¹³¹ One local businessman asserted “We had over 170, 80 mines a year ago. Now we’re down to 70, 80...The EPA is making good headway, which we support, for clean air and the environment. In a regional timeframe, that would be good. But as they press...stricter and stricter regulations...the regulations are pushing people out of work and leaving this industry. Our revenues are killing us.”¹³²

¹²⁸Green, James R., *The Devil Is Here In These Hills*, 212.

¹²⁹ Garay, Ronald. *U.S. Steel and Gary, West Virginia: Corporate Paternalism In Appalachia*. Knoxville: University of Tennessee Press, 2011. Page 208

¹³⁰ Deskins, John. “The Economic Impact of Coal in West Virginia”. Bureau of Business and Economic Research (West Virginia University College of Business and Economics). Morgantown, WV, 2018. Page 2.

¹³¹ *Regional Impacts of EPA Carbon Regulations: The Case of West Virginia: Hearing before the Committee On Environment and Public Works, United States Senate, One Hundred Fourteenth Congress, First Session, March 23, 2015, Beckley, WV*. Washington: U.S. Government Publishing Office, 2015. Page 1

¹³²*Regional Impacts of EPA Carbon Regulations*, 98

It might be possible to dismiss such words as the self-serving rhetoric of economic elites, intended to preserve their own interests at the expense of the local population. But these attitudes are not limited merely to business owners. Social and Anthropological research suggests that in fact, many of the state's residents share these beliefs. Phillip G Lewin, who conducted extensive fieldwork in West Virginia, noted " 'EPA' constituted a de facto swear word in Shale County...the narratives of those with whom I interacted in face-to-face conversations suggested that prosperity would be restored if oppressive regulators would grant new permits and cease meddling in the regions affairs."¹³³ Lewin's subjects tended to believe that the region's socioeconomic problems were either directly caused by, or severely exacerbated, by the environmental policies of the Federal Government.¹³⁴ They maintained this attitude even though only a vanishingly small percentage of the population was in fact employed within the coal industry.¹³⁵

The archetype of the coal-miner in the cultural imagination of Lewis' interviewees is worth commenting on as well. Lewis describes mining as having "heroic, if not sacred" significance to the residents of Shale county.¹³⁶ The miner is lionized as figure of courage and prowess, whose sacrifices enable a better life both for his family¹³⁷ and the country at large.¹³⁸ One of Lewin's subjects opines in an editorial "They [miners] went where no man had went before and faced death each day...Their backs were arched from crawling or bending over walking in coal...for the love of their families...This is one Shale Countian who is proud to be a

¹³³Lewin, Phillip G. "'Coal Is Not Just a Job, It's a Way of Life': The Cultural Politics of Coal Production in Central Appalachia." *Social Problems* 66 (2019) (1):51-68 doi:10.1093/socpro/spx030. Page 56

¹³⁴Ibid

¹³⁵ Lewin, Phillip G. "Coal is Not Just a Job", 55

¹³⁶Lewin, Phillip G. "Coal is Not Just a Job", 57

¹³⁷Ibid

¹³⁸Lewin, Phillip G. "Coal is Not Just a Job", 59-60

coal miner's son."¹³⁹ The romanticizing of coal mining is likely related to the lack of comparably remunerative jobs elsewhere within Shale County.¹⁴⁰ Working class-men without mining jobs i.e. the majority of residents were frequently only marginally employed and dependent to a greater or less degree on government assistance, a position many found humiliating.¹⁴¹ Those with secure mining jobs experienced anxiety about falling down the socio-economic ladder.¹⁴²

The valorization of the coal miner is also related to regional self-consciousness, and a sense that they are looked down on by the rest of the country.¹⁴³ Lewin's informants are profoundly sensitive to the idea that "outsiders" view them as backwards, impoverished, and ignorant – while hypocritically reaping the benefits of Appalachian coal.¹⁴⁴ As demonstrated in the previous paragraph, most of Shale County's residents are intimately aware of the human cost of coal extraction, viewing coal-mining as a heroic sacrifice. Although they would presumably not classify their region as an "internal colony", as some scholars have,¹⁴⁵ they do have a sense that the country at large has benefited at their expense – and having taken what they need, wishes to cut them loose.¹⁴⁶

The case of Shale County furnishes a number of parallels with poaching and the English Game-laws. The miner is depicted as a romantic figure, whose skill and bravery directly benefit his family members. There is even a body of folk-song commemorating his role, much as the

¹³⁹Lewin, Phillip G. "Coal is Not Just a Job", 57-58

¹⁴⁰Lewin, Phillip G. "Coal is Not Just a Job", 58

¹⁴¹Ibid

¹⁴²Lewin, Phillip G. "Coal is Not Just a Job", 59

¹⁴³Ibid

¹⁴⁴Lewin, Phillip G. "Coal is Not Just a Job", 60

¹⁴⁵ Lewis, Helen Matthews, Linda Johnson, and Donald Askins. *Colonialism In Modern America: The Appalachian Case*. [Boone, North Carolina]: Appalachian State University, 2017.

¹⁴⁶Lewin, Phillip G. "Coal is Not Just a Job", 61

medieval ballads commemorated the poacher.¹⁴⁷ Popular attitudes towards environmental protection laws and authorities resemble those towards the game laws. One of Lewin's subjects mentions "Obama's EPA"¹⁴⁸ in the same tones the medieval ballads use for "King William".¹⁴⁹ As with King Williams game laws¹⁵⁰, EPA policies are perceived as an imposition by a hostile force, interfering with traditional culture – and directly limiting the socio-economic mobility of local residents.

It is difficult to precisely quantify the political repercussions of these attitudes. Nonetheless, there is evidence to suggest a concrete impact. In the 2016 presidential campaign, Trump's rhetoric appealed directly to those who felt that the regulation of fossil fuels had gone too far.¹⁵¹ He vowed "We're going to save the coal industry", to reduce regulation of the energy-extraction industry, and to dissolve US participation in burdensome climate-protection treaties created by "foreign bureaucrats."¹⁵² Trump subsequently won West Virginia by 42 percentage points, his second-widest margin of victory in any state.¹⁵³ Subsequently, the Democratic governor of West Virginia, Jim Justice, switched to the Republican party.¹⁵⁴

¹⁴⁷ Korson, George Gershon, *Coal Dust On the Fiddle: Songs and Stories of the Bituminous Industry*. Philadelphia: University of Pennsylvania press, 1943.

¹⁴⁸ Lewin, Phillip G. "Coal is Not Just a Job", 56

¹⁴⁹ Rime of King William

¹⁵⁰ Green, Judith A, "Forest Laws in England and Normandy".

¹⁵¹ Detrow, Scott. "Trump Wants To Make Energy Production Great Again – Even As It Sets Records." National Public Radio. <https://www.npr.org/2016/05/27/479660989/trump-wants-to-make-energy-production-great-again-even-as-it-sets-new-records>

¹⁵² Detrow, Scott. "Trump Wants To Make Energy Production Great Again "

¹⁵³ <https://www.politifact.com/factchecks/2019/oct/02/donald-trump/did-donald-trump-win-west-virginia-42-points-2016/>

¹⁵⁴ Abramson Alana. "I Can't Help You Anymore Being a Democrat' West Virginia Governor Switches Parties at Trump Rally." *Time.Com*. (August 2017), 63

<http://search.ebscohost.com/login.aspx?direct=true&db=mth&AN=124460631&site=ehost-live&scope=site>

Case Study: Successors to the Sagebrush Rebellion

Issues highlighted by the original “Sagebrush Rebellion” have never been fully resolved. For example, the 2014 Bunkerville, NV standoff between Clive Bundy and federal law enforcement officials,¹⁵⁵ and the 2016 occupation of the Malheur National Wildlife Refuge Visitor Center in Princeton, OR¹⁵⁶ are considered to be extensions of the Sagebrush Rebellion. In each instance, westerner activists engaged in an armed confrontation with Federal officials over land-use policies and challenged not only the specifics of Federal policy, but the very legitimacy of Federal land ownership and management.¹⁵⁷ Both instances became a rallying cry for like-minded individuals across the country.¹⁵⁸ Although the Bundy’s rhetoric and actions were regarded by even by many sympathetic observers as extreme or counter-productive¹⁵⁹, they nonetheless highlighted a significant issue for many western communities.

Since 1990, there has been an overall decline in land controlled by the Federal government.¹⁶⁰ However, the vast majority of this reduction resulted from turning Alaskan land over to the state, and minor changes in the legal status of Department of Defense properties.¹⁶¹ In the eleven western states, the Federal government is estimated to own approximately 45.9% of

¹⁵⁵ “Beyond Bunkerville.” 2014. *Newsweek Global* 162 (17): 1.

<http://search.ebscohost.com/login.aspx?direct=true&db=f5h&AN=95730230&site=ehost-live&scope=site>.

¹⁵⁶ William G. Robbins. “The Malheur Occupation and the Problem with History.” *Oregon Historical Quarterly* 117, no. 4 (2016): 574-603. Accessed March 29, 2020. doi:10.5403/oregonhistq.117.4.0574.

¹⁵⁷ Lenz, Ryan. “War in the West.” *Intelligence Report*, no. 155 (Fall 2014):20-26

<http://search.ebscohost.com/login.aspx?direct=true&db=i3h&AN=97939123&site=ehost-live&scope=site>.

¹⁵⁸ Ibid

¹⁵⁹ Walker, Peter *Sagebrush Collaboration: How Harney County Defeated the Takeover of the Malheur Wildlife Refuge*. Corvallis: Oregon State University Press, 2018.

¹⁶⁰ No Author. “Federal Land Ownership: Overview and Data.” Congressional Research Service. Washington, DC. February 2020. Page 17

¹⁶¹ No Author. “Federal Land Ownership: Overview and Data.” Congressional Research Service. Washington, DC. February 2020. Page 17

land,¹⁶² with the number as high as 80% in Nevada.¹⁶³ In contrast, the percent of land owned by the federal government in the rest of the country is just over 4%.¹⁶⁴ Because of the sheer amount of land owned by the Federal Government, many western ranchers remain dependent on public-land grazing privileges to sustain their herds, primarily on land controlled by the Bureau of Land Management (BLM).¹⁶⁵ In 2017, of the BLM's 154.1 million acres available for grazing, 138.7 million acres were actually used for grazing purposes, with approximately 17,800 grazing permits issued.¹⁶⁶ Although the BLM generally operates at a deficit—spending more to manage its grazing program than it receives in fees¹⁶⁷—any attempt to increase grazing fees has faced significant political opposition.¹⁶⁸ Additionally, unauthorized grazing (i.e. grazing on federal land without paying any fees) remains a widespread occurrence, though it is difficult to estimate the precise scale of the problem.¹⁶⁹ It was precisely this unauthorized grazing which led to the initial confrontation between Cliven Bundy and federal authorities – Cliven Bundy had, over the course of twenty years, accumulated unpaid fees in excess of a million dollars.¹⁷⁰

Bundy and his associates articulate an idiosyncratic ideology, which denies the constitutional authority of the Federal government to own land¹⁷¹; in more expansive moments they refuse to recognize Federal government at all.¹⁷² Legal scholars agree that their

¹⁶² No Author. "Federal Land Ownership: Overview and Data." Congressional Research Service. Washington, DC. February 2020. Page 19

¹⁶³ No Author. "Federal Land Ownership: Overview and Data", 8

¹⁶⁴ No Author. "Federal Land Ownership: Overview and Data", 19

¹⁶⁵ Vincent, Carol Hardy. "Grazing Fees: Overview and Issues". *Congressional Research Service: Report*, March 1-12, 2019 <http://search.ebscohost.com/login.aspx?direct=true&db=tsh&AN=135983240&site=ehost-live&scope=site>

¹⁶⁶ Vincent, Carol Hardy, "Grazing Fees: Overview and Issues", 1.

¹⁶⁷ Vincent, Carol Hardy, "Grazing Fees: Overview and Issues", 2.

¹⁶⁸ Vincent, Carol Hardy, "Grazing Fees: Overview and Issues", 7.

¹⁶⁹ Vincent, Carol Hardy, "Grazing Fees: Overview and Issues", 9.

¹⁷⁰ Vincent, Carol Hardy, "Grazing Fees: Overview and Issues", 10.

¹⁷¹ Blumm, Micahel C and Olivier Jamin, "The Property Clause and Its Discontents", 793.

¹⁷² "Beyond Bunkerville"

interpretation of Constitutional law is dubious in the extreme.¹⁷³ But although the specifics of their claim may be indefensible, there is a larger body of philosophical and legal argument that lends some weight to their cause.¹⁷⁴

Ann M. Eisenberg situates the claims of the Bundy's in the larger context of what she calls the "Land Transfer Movement."¹⁷⁵ This loosely defined movement subsumes many other such movements and groups: the original "Sagebrush Rebellion", the "wise use" movement and loosely organized bands of discontented locals.¹⁷⁶ Bundy is far from the first westerner to essentially dare the Federal government to enforce its laws and policies.¹⁷⁷ Nor is the support Bundy received from many figures in both the media and politics anomalous.¹⁷⁸ Numerous western politicians have pushed back against Federal land-control and attempted, in various ways, to establish state or local control over these lands.¹⁷⁹

Eisenberg frames the claims of these latter-day Sagebrush rebels in using well-established legal precedents. She refers to "The exclusion argument", an element of the common-law tradition with many years of standing.¹⁸⁰ This is essentially the claim that concerned local actors are not given due representation in policy decision-making processes that have a direct bearing on them.¹⁸¹ Here again we encounter the motif of the distant

¹⁷³Blumm, Micahel C and Olivier Jamin, "The Property Clause and Its Discontents", 7944

¹⁷⁴Eisenberg, Ann M. "Do Sagebrush Rebels Have A Colorable Claim? The Space Between Parochialism and Exclusion In Federal Lands Management." *Public Land & Resources Law Review*. (2017) (38):57-102
<http://search.ebscohost.com/login.aspx?direct=true&db=ift&AN=128192995&site=ehost-live&scope=site>.

¹⁷⁵Eisenberg Ann M, "Do Sagebrush Rebels Have a Colorable Claim?" 68.

¹⁷⁶Eisenberg Ann M, "Do Sagebrush Rebels Have a Colorable Claim?" 69. 9

¹⁷⁷*Ibid*

¹⁷⁷Eisenberg Ann M, "Do Sagebrush Rebels Have a Colorable Claim?".

¹⁷⁸"Beyond Bunkerville"

¹⁷⁹ Vincent, Carol Hardy, Laura A. Hanson, and Lucas F. Bermejo. 2020. "Federal Land Ownership: Overview and Data." *Congressional Research Service: Report*, February, 1–24.

<http://search.ebscohost.com/login.aspx?direct=true&db=tsh&AN=142325393&site=ehost-live&scope=site>.

¹⁸⁰Eisenberg Ann M, "Do Sagebrush Rebels Have a Colorable Claim?", 82.

¹⁸¹*Ibid*

“establishment” and the oppressed locals.¹⁸² An example of this problem given is the tendency of Federal agencies to dismiss local concerns about planned projects as “insignificant”; one study found that such “insignificant” concerns included “cabin leases...mineral rights, grazing fees, road access, and military overflights.”¹⁸³

This issue is compounded by a divergence between *de jure* and *de facto* law as it exists on Federally managed lands.¹⁸⁴ Federal officials have tended to allow the status quo to persist in cases where locals have long enjoyed certain use privileges, even when those use privileges have no formal legal basis.¹⁸⁵ This tends to leave those subject to the laws in a condition of perpetual uncertainty, at the mercy of administrative discretion.¹⁸⁶ Eisenberg characterizes this as a “cardinal sin of government: arbitrariness.”¹⁸⁷ Viewed in this light, the government’s escalation to cattle confiscation after Cliven Bundy had grazed his cattle for twenty years can indeed seem provocative.¹⁸⁸

The relationship between the “establishment” and “the people”(e.g., between Federal authorities and local communities) need not always be adversarial.¹⁸⁹ Ironically, Harney County Oregon, where Ammon Bundy and several armed men occupied the Malheur Wildlife Refuge, was noteworthy for the unusually good relationship between Federal agencies and locals.¹⁹⁰ The Bundy’s attempt at provoking a confrontation ended ultimately, not with a bang, but a whimper,

¹⁸²Eisenberg Ann M, “Do Sagebrush Rebels Have a Colorable Claim?”, 87. 7

¹⁸³Eisenberg Ann M, “Do Sagebrush Rebels Have a Colorable Claim?”, 72

¹⁸⁴Eisenberg Ann M, “Do Sagebrush Rebels Have a Colorable Claim?”, 82.

¹⁸⁵*Ibid*

¹⁸⁶*Ibid*

¹⁸⁷Eisenberg Ann M, “Do Sagebrush Rebels Have a Colorable Claim?”, 85

¹⁸⁸ Eisenberg Ann M, “Do Sagebrush Rebels Have a Colorable Claim”, 92

¹⁸⁹Walker, Peter *Sagebrush Collaboration: How Harney County Defeated the Takeover of the Malheur Wildlife Refuge*. Corvallis: Oregon State University Press, 2018.

¹⁹⁰Walker, Peter *Sagebrush Collaboration*, xii.

in large part because of the effective working relationships Harney County residents had established with Federal authorities.¹⁹¹

Harney County, and the Malheur occupation, are worth examining in some detail because they form a sort of microcosm of many of the tensions surrounding Federal land management throughout the American west. The county is sparsely populated, with only .71 persons per square mile.¹⁹² About 16% of the population lives at or below the poverty line.¹⁹³ At one time, the county enjoyed significant revenue logging revenue, but this industry has declined substantially since the early 1980s – albeit for reasons largely unrelated to Federal land policy.¹⁹⁴ Although the primary source of income for most residents is farming,¹⁹⁵ the county would probably not be able to function effectively without some degree of federal funding.¹⁹⁶ Nearly three-quarters of the land in Harney County is owned by the Federal government.¹⁹⁷ Perhaps most saliently, the BLM has over time reduced the number of grazing permits issued by more than half, from a high of over a hundred thousand to just over forty thousand.¹⁹⁸

Many locals, while rejecting the Bundy's tactics, are thus at least somewhat sympathetic to their goals. Said one resident: "[While desiring a peaceful resolution] Do we want them to go home...not necessarily. These people have brought us a voice...I don't agree with what they did at the refuge, but I'm willing to listen to what those people have to say..."¹⁹⁹ At one community meeting, major fault-lines amongst the local population became visible, with some condemning

¹⁹¹Walker, Peter *Sagebrush Collaboration*, 197.

¹⁹²Walker, Peter *Sagebrush Collaboration*, 2.

¹⁹³Walker, Peter *Sagebrush Collaboration*, 78.

¹⁹⁴Walker, Peter *Sagebrush Collaboration*, 81.

¹⁹⁵Walker, Peter *Sagebrush Collaboration*, 85.

¹⁹⁶Walker, Peter *Sagebrush Collaboration*, 89.

¹⁹⁷ Walker, Peter *Sagebrush Collaboration: How Harney County Defeated the Takeover of the Malheur Wildlife Refuge*. Corvallis: Oregon State University Press, 2018. Page 101 – see additional citation

¹⁹⁸Walker, Peter *Sagebrush Collaboration*, 91

¹⁹⁹Walker, Peter, *Sagebrush Collaboration*, 29-31.

the Bundy's while others expressing a degree of cautious support for their goals if not their methods.²⁰⁰ One anonymous commenter referred to the moment as "an awakening."²⁰¹

In spite of this, relations between Harney County residents and the Federal Government remained generally good, both before and after the Malheur occupation.²⁰² There appears to be no single event, person, or group responsible for the relatively productive and co-operative working relationship; no formula that could reasonably be replicated elsewhere.²⁰³ Rather it was a product of individual events and personalities, a series of precedents that built on each other. In 2000, in response to a movement to designate local landmark Steen's mountain as a national monument numerous local stakeholders established a working group that included environmentalists, ranchers, Paiute tribal leaders, and Congressional representatives.²⁰⁴ This group subsequently drafted alternative legislation creating a grazing-free zone in place of the proposed national monument, which was described by some as "precedent-setting"²⁰⁵ and which satisfied the interests of all parties.²⁰⁶

This in turn paved the way for similar subsequent initiatives. In 2013, another working group of broadly similar local actors produced the Malheur Comprehensive Conservation Plan, a several-hundred page document which was unique in Harney County's recent history for not experiencing any significant legal opposition.²⁰⁷ To this day, Harney County is notable for the sheer number of collaborative planning groups which have proliferated in a relatively small and

²⁰⁰Walker, Peter, *Sagebrush Collaboration*, 32-33.

²⁰¹ *Ibid*

²⁰²Walker, Peter, *Sagebrush Collaboration*, 111-112.

²⁰³Walker, Peter, *Sagebrush Collaboration*, 198.

²⁰⁴Walker, Peter, *Sagebrush Collaboration*, 116.

²⁰⁵*Ibid*

²⁰⁶Walker, Peter *Sagebrush Collaboration*, 116-118.

²⁰⁷Walker, Peter, *Sagebrush Collaboration*, 119.

sparsely populated area²⁰⁸: the High Desert Partnership (which focuses on building relationships between conservationists, government officials, ranchers and other local stakeholders)²⁰⁹, the Harney County Watershed Council (formed to address concerns about water scarcity)²¹⁰, the Harney County Wildfire Co-operative (whose purpose is self-explanatory)²¹¹. In short, local actors have access to a number of avenues for expressing their concerns about environmental, political, and economic issues.

That being the case, it should not be surprising that so many Harney County residents rejected the Bundy's agenda and methods, both before and after the Malheur occupation.²¹² But it would be an exaggeration to say that Harney County residents had wholeheartedly embraced environmental causes. In spite of their rejection of the occupation, Harney County residents voted overwhelmingly for Donald Trump in the 2016 election.²¹³ President Trump in turn went on to pardon the Hammonds, local ranchers whose conviction for setting fires on BLM lands had provided much of the impetus for the Malheur occupation.²¹⁴ As in the case of West Virginia, he has pursued a policy which emphasizes development and economic priorities at the expense of environmental concerns.²¹⁵ There has been no research in Harney County to gauge the exact extent to which support for Trump was driven by environmental concerns, but it is clear that environmental policies matter significantly to local residents.

²⁰⁸Walker, Peter, *Sagebrush Collaboration*, 113.

²⁰⁹Walker, Peter, *Sagebrush Collaboration*, 117-118.

²¹⁰Walker, Peter, *Sagebrush Collaboration*, 120

²¹¹Walker, Peter, *Sagebrush Collaboration*, 119

²¹²Walker, Peter, *Sagebrush Collaboration*, 112.

²¹³ <https://www.politico.com/2016-election/results/map/president/oregon/>

²¹⁴ Miller, Jill Colvin & Zeke. 2018. "Trump Pardons 2 Ranchers in Case That Inspired Wildlife Refuge Occupation." *Time.Com*, July, 1.

<http://search.ebscohost.com/login.aspx?direct=true&db=bsu&AN=130626018&site=ehost-live&scope=site>

²¹⁵Nordhaus, Hannah. 2018. "Battle for the American West." *National Geographic* 234 (5): 42.

<http://search.ebscohost.com/login.aspx?direct=true&db=f5h&AN=132010086&site=ehost-live&scope=site>

The case of Harney County then is far more ambiguous than that of West Virginia. There are many familiar themes in both cases, themes that in some sense have featured in conflicts around environmental policy for centuries: development versus preservation, local actors versus “foreign” authorities, the invocation of an archetypical figure from national folk lore (in this case, the cowboy). But the tension here is less stark. Local and federal actors alike can find themselves straddling either side of the debate, at times butting heads and at times working together.

The data provided by these case studies is broadly consistent with the expectations set by the established literature. Both the modern day sagebrush rebellion, as manifested in Harney county, and the would-be coal miners of West Virginia share a view of the environment which stresses its utility to its human occupants. The ethnographic research indicates that both surveyed populations reject the idea of the environment as a good in and of itself. They display the human-centric attitudes associated with the populist environmental framework.

Additionally, both surveyed populations place considerable emphasis on the exploitation of natural resources as a source of socio-economic mobility. In both cases, local communities live a relatively marginal existence, and both seek to supplement their limited income through by capitalizing on the natural wealth of their area. Restrictions on these efforts are perceived as an intrusion by a hostile and alien authority – the “corrupt elites” which act as a bogeyman for so much populist rhetoric. This too is in line with environmental populism. The residents of Shale County and Harney County may never have heard the phrase “resource sovereignty” but they understand the concept. The near-mythical status of the miner in West Virginia, whose labor enriches his family, parallels the role of the poacher in medieval and even Victorian-era England.

In spite of these similarities, one of our case studies reveals complexities that do not emerge in the standard model. Most analysis of the populist movements and the environmental-management state assumes that the relationship between the two is fundamentally oppositional. Environmental protection and populism are thought to be incompatible, and the struggle between the two is conceived as a zero-sum game in which a victory for the environment comes at the expense of populists. But as Harney County shows, this is only the case if those environmental protections are dictated from “on high”, without local stakeholders having the opportunity to influence the process. When changes in the status quo are dictated by the center, reactionary radicalism by said stakeholders is a common, if not inevitable occurrence.

But it need not be this way. The case of Harney County, with its numerous forums for collaboration and consensus-based decision making shows that it is possible for environmental-management agencies, operating at the political center, to forge productive working relationships with local communities. To the extent that populism continues to be a significant force in global politics, Harney County may offer an example in how to achieve environmental protection with a greater degree of popular legitimacy. Nor is this principle confined only to environmental issues. In an age of political centralization, it will become increasingly vital for those who make policy to seek feedback from those who feel policy’s effects.

Conclusion:

This paper began by describing the “populist backlash” to the environmental state as one instance of a larger phenomenon: reactionary radicalism. A survey of the historical literature established that in fact, many of the debates around environmental policy which occur today are echoes of debates that have recurred, in various ways, throughout history. We have seen how

common rhetorical tropes recur in the discourse of wide-ranging groups, separated by distances of space and time.

As is often the case in social science research, the data we have gathered raises further questions. It seems likely that in cases where the policies of the center have a significant impact on the livelihood – and even more than the livelihood, the cultural identity – of a population, that population is likely to mobilize against those policies. This seems likely to have been the case in West Virginia, with its unique and identity-defining relationship with the extractive-resource industry.

On the other hand, the case of Harney County Oregon is much less conclusive. Although experiencing many of the same tensions with the political center, in the form of the “environmental-management state”, that West-Virginia residents feel, they have built a comparatively effective working relationship with it. Although some Harney County residents would likely dissolve the existing environmental regulatory structure if given that option, others see benefits in working with Federal agencies. This distinction may in part derive from the fact that Federal agencies provide clear and tangible benefits to local residents, in the form of infrastructure funding and services.

It is probably impossible to isolate any single cause of the populist turn in the Democratic west. It does seem likely that, for certain communities and demographics, the perceived adverse social and economic consequences of administrative bodies they are unable to influence has been a contributing factor. To the extent to which populism represents a major challenge to established norms and modes of governance, places like Harney County may show a way to address those tensions and to reconcile competing imperatives into something resembling peaceful accord.

Cooperation: When Radicals Work With Mainstream Actors

Introduction

In the introduction, radicalism was defined as a spectrum. On the far end of this spectrum is the use of violence, whether explicit or merely threatened, as a tool for political change.

Although liberal democracies pride themselves on their ability to arbitrate intra-state political disputes non-violently, the case studies in this chapter address instances where violent radicals have played a prominent role in political discourse. These case studies indicate that in cases where a mainstream political actor faces robust opposition from the center, mainstream actors are likely to develop militant, radical offshoots which tacitly cooperate with their more mainstream counterparts to advance their shared policy agenda.

This chapter begins by examining the theoretical literature around both the causes and impacts of political militancy. It will then compare and contrast two major political movements within the United States: the environmental movement and the Civil Rights movement. Both occurred around the mid-to-late twentieth century, and both had significant impacts on American policy and law. One, however, had a highly-visible and influential radical militant element – in the form of groups like the Black Panthers – while the other did not. This chapter then examines the reasons why a larger proportion of the Civil Rights movements was drawn to militancy, and explain why that may have been strategically advantageous to the Civil Rights movement – an example of cooperation between more-radical and less-radical actors sometimes described as the “Radical Flank” effect. The available evidence suggests that a more-radical wing will grow when its less-radical counterparts face significant opposition to their agenda from the political center, as was the case with the Civil Rights movement. When the policy agenda of the less-radical

group does not face deeply-entrenched opposition from the center (as was the case for the environmental movement roughly up to the Reagan era), it is unlikely to develop a major radical component. In the latter case, there will then be no cooperation

Literature Review

Most theoretical work about radical militancy focuses on causes rather than effects. Analysts have studied the ideological roots of violent action²¹⁶, the organizational factors which shape the formation and operations of violent groups²¹⁷, and the psychological complexities of radicalization. When academics do focus on effects, they tend to focus on its impact on civil discourse and popular support for state repression.²¹⁸ There is not a great deal of work on the impacts of militancy on policy aside from policy specifically related to state security. However, there are a few social science theorists whose work has an indirect bearing on the topic.

The term “radical flank” was first introduced by the sociologist Herbert H Haines²¹⁹ – although the phenomena and the concept predate his terminology. Haines’ framework asserts that many social movements tend to splinter into “radical” and “moderate” factions. In American history alone, he cites the labor movement, the women’s rights movement, the anti-nuclear movement, and the black-rights movement.²²⁰ Theoretically, the interaction between the moderate and radical movements can be either positive or negative i.e. they may either

²¹⁶ Juergensmeyer, Mark. *Terror In the Mind of God: The Global Rise of Religious Violence*. 3rd ed., rev. and updated. Berkeley: University of California Press, 2003.

²¹⁷ Sageman, Marc. *Understanding Terror Networks*. Philadelphia: University of Pennsylvania Press, 2004.

²¹⁸ McConaghy, Kieran. *Terrorism and the State: Intra-State Dynamics and the Response to Non-State Political Violence*. London: Palgrave Macmillan UK, 2017.

²¹⁹ Haines, Herbert H. “Black Radicalization and the Funding of Civil Rights: 1957-1970.” *Social Problems*, vol. 32, no. 1, 1984, pp. 31–43. *JSTOR*, www.jstor.org/stable/800260.

²²⁰ Haines, Herbert H. “Black Radicalization and the Funding of Civil Rights: 1957-1970.” *Social Problems*, vol. 32, no. 1, 1984, pp. 31–43. *JSTOR*, www.jstor.org/stable/800260. Page 31

strengthen or undermine each other.²²¹ Haines does not propose a detailed model explaining when or why positive or negative effects might obtain; his concern is mostly historical. Although Haines' "radical flank" is not explicitly violent, more or less by definition, a violent group within the context of a domestic political dispute would be considered "radical" relative to their non-violent contemporaries.

The concept of the "Overton Window", mentioned in the introduction, is also relevant to the impact of radical groups. Originally proposed by the sociologist Joseph Overton, the concept refers to the broad spectrum of "respectable opinions", ideas which are taken seriously by policy-making elites and by the general public.²²² The Overton Window shifts and evolves over time, in ways which are not fully understood and are difficult to control. The issue of gay marriage provides an illustration: in 2004, 60% of respondents opposed gay marriage, while only 30% supported it. 15 years later, the proportions have reversed, with 61% supporting and only 31% opposing.²²³ Clearly, societal norms can change rapidly and in relatively brief periods. It is likely that the rise of radical groups is related, in some degree, to how far their goals and ideology are outside the "Overton Window". Groups whose goals seem relatively benign, even if their tactics are extreme, are likely to have more recruits and enjoy better relationships with mainstream political actors than those whose objectives strike most of their society as beyond the pale.

²²¹ Haines, Herbert H. "Black Radicalization and the Funding of Civil Rights: 1957-1970." *Social Problems*, vol. 32, no. 1, 1984, pp. 31–43. *JSTOR*, www.jstor.org/stable/800260. Page 32

²²²No Author. "The Overton Window." Mackinac Center For Public Policy. Midland, Michigan. 2019. <https://www.mackinac.org/OvertonWindow#resources>. Accessed 19Nov2019

²²³No Author. "Attitudes on Same-Sex Marriage". Pew Research Center. Washington, DC. May 14, 2019. <https://www.pewforum.org/fact-sheet/changing-attitudes-on-gay-marriage/>. Accessed 19Nov2019

In turn, a state's ability to violently repress militant groups is strongly contingent on the degree to which political elites are united in their opposition to the group's aims and tactics i.e. the degree to which the militants are outside the Overton Window. Kieran McConaghy's *Terrorism and the State* discusses the difficulties the French government had in combating the OAS, a right-wing group opposed to Algerian independence. Most of its members were one-time soldiers, and there was a significant and vocal segment of the population which supported a continued French presence in Algeria. Accordingly, the government's efforts to combat the organization tended to be half-hearted and ineffectual. According to one observer "...the army, had it wished, could have crushed the OAS in 24Z hours. By doing nothing, it gave the Organization room..."²²⁴

In *Why Civil Resistance Works*, by contrast authors Erica Chenoweth and Maria Stephan are emphatically interested in whether violent activism is more effective than non-violent activism. They conduct a statistical analysis of 323 campaigns of anti-government activism across the world. All the campaigns in the data-set are from 1906 or later; they include a wide range of objectives (territorial self-determination, civil and ethnic integration, etc) and a wide range of target-government types (democracy, military dictatorship, oligarchy, etc). They conclude that non-violent campaigns are roughly twice as likely to succeed as violent ones.²²⁵ They theorize that this is because it is easier to mobilize large sectors of the population to participate in non-violent than violent campaigns. "The moral, physical, informational and

²²⁴ McConaghy, Kieran. *Terrorism and the State: Intra-State Dynamics and the Response to Non-State Political Violence*. London: Palgrave Macmillan UK, 2017. Page 57

²²⁵ Chenoweth, Erica, and Maria J Stephan. *Why Civil Resistance Works : the Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011. Kindle edition, location 309.

commitment barriers to participation are much lower for non-violent resistance than for violent insurgency.”²²⁶

They support this characterization with statistical data showing that, on average, non-violent campaigns are significantly larger than violent ones.²²⁷ They offer many possible reasons for greater ease of participation; non-violent campaigns demand less commitment from activists²²⁸, are less likely to offend the moral sensibilities of potential recruits²²⁹, and are not as physically demanding as more militant forms of protest. In turn, they argue, greater mass participation is directly correlated with campaign success.²³⁰ In this model, as the movement expands in scope and support, it becomes increasingly difficult for elites to counter-mobilize against the movement. This is particularly true when members of the movement are linked, by ties of kinship or shared social background, to members of the regime themselves.²³¹ It is difficult, say, for a militia commander to fire on a group of protesters when his cousin is among them, particularly if the protesters in question pose no imminent threat to the commander or his soldiers.

Chenoweth and Stephan’s model offers two fairly compelling generalizations: a) Non-violent movements have an easier time attracting participants and b) greater participation is strongly correlated with movement effectiveness. In spite of this, they fail to address certain

²²⁶Chenoweth, Erica, and Maria J Stephan. *Why Civil Resistance Works : the Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011. Kindle edition, location 346

²²⁷Chenoweth, Erica, and Maria J Stephan. *Why Civil Resistance Works : the Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011. Kindle edition, location 773

²²⁸Chenoweth, Erica, and Maria J Stephan. *Why Civil Resistance Works : the Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011. Kindle edition, location 847

²²⁹Chenoweth, Erica, and Maria J Stephan. *Why Civil Resistance Works : the Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011. Kindle edition, location 838

²³⁰Chenoweth, Erica, and Maria J Stephan. *Why Civil Resistance Works : the Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011. Kindle edition, location 876

²³¹Chenoweth, Erica, and Maria J Stephan. *Why Civil Resistance Works : the Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011. Kindle edition, location 1027

questions which inevitably arise in the study of anti-government political movements. They acknowledge that in some cases, violent tactics have been effective. But they make little attempt to distinguish the precise circumstances (including regime type) under which violent tactics might be more successful. Moreover, their model does not address any potential interactions between violent and non-violent actors. They classify the campaigns in their dataset as either “primarily violent” or “primarily non-violent”, and let the matter go at that.²³² The concept of the “radical flank” is addressed only briefly, and dismissed rather summarily. Chenoweth and Stephan believe that anything which appears to give the anti-regime movement a violent character tends to unite the elites against the movement, creating a “circle-the-wagons” effect; therefore the net effect of the radical flank on any movement is likely to be negative.²³³

Andrew Mack, in “Why Big Nations Lose Small Wars” approaches the problem from the opposite angle. He is less concerned with social movements as such than the relationship between strong and weak actors, and the confluence of circumstances which allow weak actors to defeat stronger ones. He postulates a theory of asymmetric conflict which, although originally formulated to apply to inter-state wars, can be applied to internal conflicts like that between black militants and the United States government. Key to Mack’s theory is the distinction between an actor’s capability – the sheer amount of resources they can bring to bear on the problem – and their will to do so. In his framework, it is possible, and even likely, for stronger actors to have a less compelling interest in the outcome of a conflict than ostensibly weaker actors.²³⁴ This in turn leads to situations where “insurgent” movements can achieve victory

²³²Chenoweth, Erica, and Maria J Stephan. *Why Civil Resistance Works : the Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011. Kindle edition, location 404

²³³Chenoweth, Erica, and Maria J Stephan. *Why Civil Resistance Works : the Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011. Kindle edition, location 969

²³⁴ Mack, Andrew. “Why Big Nations Lose Small Wars: The Politics of Asymmetric Conflict.” *World Politics*, vol. 27, no. 2, 1975, pp. 175–200. *JSTOR*, www.jstor.org/stable/2009880. Page 180

against stronger actors - “For the insurgents, the war is ‘total’, while for the external power, it is necessarily ‘limited’ ...because the opponent is weak and can pose no direct threat – the prosecution of the war does not automatically take primacy over other goals...which compete for state resources”²³⁵ Mack’s model illustrates an underlying similarity between violent and non-violent movements: both focus on increasing the *cost* of maintaining an unpopular policy, under the assumption that at a certain point, this policy will become cost-prohibitive to the state.

Mack’s illustrations and examples are drawn primarily from the various post-colonial wars which were fought in the second half of the twentieth century. But the logic he describes is equally valid for intra-state conflicts. In particular, one aspect of his theory serves almost as a direct rebuttal to Chenoweth and Stephan’s mobilization thesis. Mack points out that weak actors can actually grow stronger by provoking strong actors to a disproportionate response - such as the French in Algeria.²³⁶ This in turn causes the weak actors base of support to rally around them, in response to the perceived increase in the severity of the threat. By escalating the conflict, they shift the balance of forces in a way which is favorable to themselves. Implicit in Mack’s theory is the assumption that these new recruits will throw themselves behind a military struggle. But in the context of internal political struggles, it is equally possible that these recruits will align themselves with non-violent movements; paradoxically, a militant organization could strengthen a non-militant parallel movement simply by making neutrality an untenable option.

Another critical variable in the relationship between violent and non-violent campaigns and the state is the media. As Mack’s work implies, the struggle between militants and counter-

²³⁵ Mack, Andrew. “Why Big Nations Lose Small Wars: The Politics of Asymmetric Conflict.” *World Politics*, vol. 27, no. 2, 1975, pp. 175–200. *JSTOR*, www.jstor.org/stable/2009880. Page 184

²³⁶ Mack, Andrew. “Why Big Nations Lose Small Wars: The Politics of Asymmetric Conflict.” *World Politics*, vol. 27, no. 2, 1975, pp. 175–200. *JSTOR*, www.jstor.org/stable/2009880. Page 181

militants is fundamentally a struggle to shape the will of the polity, rather than an attempt to establish control through sheer physical force. Given that the interaction between militants and the state is largely shaped by popular perception²³⁷, the media is in some sense the arena in which this struggle is adjudicated. This is particularly true for democratic societies, which have a tradition of a free press, and in which media coverage can have a significant impact on the policy-making process.²³⁸

In principal, the potential relationship between radical militants and the media may range across the spectrum, from complete indifference on the part of the media to complete hostility on the part of the terrorists.²³⁹ In practice, Matteo Vergani has characterized the relationship between terrorism and the media as one of symbiosis.²⁴⁰ On the one hand, terrorists want, above all else, recognition for their cause – what Margaret Thatcher called the “oxygen” of publicity.²⁴¹ Such a goal is difficult to attain without the compliance of mass media. Mass media, on the other hand, want viewers, readers, and subscribers. In essence, both terrorists and media actors want attention, and they effectively, though non-explicitly, cooperate to get it. Some observers have gone so far as to say that terrorism is a “product” of press freedom.²⁴²

²³⁷McConaghy, Kieran. *Terrorism and the State: Intra-state Dynamics and the Response to Non-state Political Violence*. London: Palgrave Macmillan UK, 2017. Page 14-150

²³⁸ Horváth, Peter, and Ján Machyniak. 2016. “Media Impact on Public Policy Making.” *Marketing Identity*, no. part 1 (January): 316–25.
<http://search.ebscohost.com.proxy1.library.jhu.edu/login.aspx?direct=true&db=bsu&AN=123768533&site=ehost-live&scope=site>.

²³⁹Al Ibrahim, Daleen, and Yibin Shi. “The Symbiotic Relationship between Media and Terrorism from the Past to the Present.” *China Media Research*, vol. 15, no. 2, Apr. 2019, pp. 61–67. *EBSCOhost*, search.ebscohost.com/login.aspx?direct=true&db=ufh&AN=136213035&site=ehost-live&scope=site. Page 62

²⁴⁰ Vergani, Matteo. *How Is Terrorism Changing Us?: Threat Perception and Political Attitudes In the Age of Terror*. Singapore: Springer Singapore, 2018. Page 69

²⁴¹*Terrorism, the Media, and the Government: Perspectives, Trends, and Options for Policymakers*. [S.l]: [s.n.], 1997. Page 2

²⁴²Biernatzki, William E. “Terrorism and Mass Media.” *Communications Research Trends*, Volume 21 (2002). Center For the Study of Communication and Culture. Los Gatos, CA. Page 5.

The press need not be sympathetic to militant ideology or goals for this relationship to occur. To be sure, such sympathy is the optimal attitude from the perspective of radical militants, who may attempt to cultivate relationships with key media personnel in an effort to shape media coverage.²⁴³ They may even go so far as to create their parallel media organizations, in an effort to nudge the public discourse in the direction they desire.²⁴⁴ But it is also possible for radical militant groups to benefit even from fundamentally unsympathetic coverage. Terrorism can be characterized as a form of psychological warfare,²⁴⁵ in which reporting which makes militant groups appear dangerous or threatening may be ultimately be beneficial to the militants, by solidifying their support among those who are sympathetic and increasing their perceived potency amongst threatened groups.

Democratic governments faced with this situation are relatively constrained in their options for response. The United States has strong protections for freedom of the press, making it impossible for the center to shut down terrorist publicity by sheer fiat. At best, it can hope for framing which de-legitimizes the militant's cause and which emphasizes the capability and legitimacy of counter-militant forces, and which privileges official sources and viewpoints over that of the militants.²⁴⁶ The center may exploit the perception of threat in order to increase political and bureaucratic support for their own agendas. Much like their militant counterparts, government forces desire to be perceived as the strong horse²⁴⁷ in any conflict.

²⁴³*Terrorism, the Media, and the Government: Perspectives, Trends, and Options for Policymakers*. [S.I]: [s.n.], 1997. Page 3

²⁴⁴*Terrorism, the Media, and the Government: Perspectives, Trends, and Options for Policymakers*. [S.I]: [s.n.], 1997. Page 3

²⁴⁵Hanser, Robert D. "Psychological Warfare and Terrorism". No date.
<http://citeseerx.ist.psu.edu/viewdoc/summary?doi=10.1.1.519.6163> Page 2. Retrieved 20Nov19

²⁴⁶*Terrorism, the Media, and the Government: Perspectives, Trends, and Options for Policymakers*. [S.I]: [s.n.], 1997. Page 4

²⁴⁷Bin Laden, Osama. "Transcript of Osama Bin Laden Tape." National Public Radio.
<https://www.npr.org/news/specials/response/investigation/011213.binladen.transcript.html>. Visited 15November19.

These key takeaway from this literature is that even in democratic societies, there may be advantages to employing radical tactics in pursuit of political goals, and that mainstream actors may in fact be incentivized to cooperate with their more radical counterparts, if they share a common agenda. Clearly, not all militant organizations are cut from the same cloth. Some will pursue objectives far outside of their host society's Overton window, will receive little public sympathy, and will probably be swiftly crushed. Others, however, may pursue goals that enjoy broad support, may receive both popular and elite sympathy, and may successfully resist government pressures to disband. Having laid the theoretical groundwork, we will now proceed to examine the two contrasting cases specified in the introduction.

Case Studies

For purposes of this paper, I will subsume any form of political activism which contains organized violence, or the implicit threat of organized violence, under the name "militancy." I exclude isolated cases of violence by "lone wolves", unless those lone wolves are acting as part of a broader group. I include cases where the threat of violence was latent rather than actual i.e. large armed groups who never actually engaged in mass violence. This is an important distinction. It is the threat of violence, as much as the reality of it, which motivates policy-makers. Per Mack's model, violent weak actors do not seek to physically compel their opponent to abandon a certain course of action. Rather they wish to raise the cost of that course of action, to the point where it becomes cost-prohibitive. A large armed movement which has not yet erupted into violence is quite capable of doing this, so long as they are perceived to be a serious threat by their opponents. Likewise, solitary actors, unless they are perceived to be part of a

larger movement, are unlikely to make any course of action cost-prohibitive. A Leon Czolgosz²⁴⁸ does not, of himself, effect change; an army of Leon Czolgosz imitators conceivably could.

Social Roots of American Environmentalism

The high-water mark for the environmental movement in the United States occurs roughly between 1962, when Rachel Carson published the influential *Silent Spring* and 1980, when Ronald Reagan was elected president. In this time, several significant legislative achievements permanently institutionalized several key policy objectives of the environmental movement, and remain central to American environmental policy to this day. The key findings from the history of the American Environmental movement was that it's progress (up until the Reagan Era) was characterized by gradually increasing public support without the emergence of a correspondingly effective opposition movement at the political center. In such a climate, there was little strategic advantage to be had by forming an alliance between less-radical and more-radical groups. Accordingly, none emerged.

The National Environmental Policy Act (1970) created the administrative requirement for federal agencies to conduct assessments on the environmental impact of their actions.²⁴⁹ The Clean Air Act (1963) created several federal agencies which were tasked with developing emissions-control standards for industry, provided funding for pollution-control research, and, crucially, allowed citizens to file civil suit for failure to comply with pollution standards.²⁵⁰ The

²⁴⁸Tikkanen, Amy. "Leon Czolgosz". Britannica Online. <https://www.britannica.com/biography/Leon-Czolgosz>. Visited 12Nov19

²⁴⁹ Bearden, David M., et al. "Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency." *Journal of Current Issues in Crime, Law & Law Enforcement*, vol. 4, no. 1/2, Apr. 2011, pp. 51–171. *EBSCOhost*,

search.ebscohost.com/login.aspx?direct=true&db=i3h&AN=67159692&site=ehost-live&scope=site. Page 165

²⁵⁰ Schmalensee, Richard, and Robert N. Stavins. "Policy Evolution under the Clean Air Act." *Journal of Economic Perspectives*, vol. 33, no. 4, Fall 2019, pp. 27–50. *EBSCOhost*, doi:<http://www.aeaweb.org.proxy1.library.jhu.edu/jep/>.

Clean Water Act (1972) created a system of regulation for dissemination of industrial by-products into water sources.²⁵¹ The Resource Conservation and Recovery Act (1976) established standards for solid-waste disposal²⁵², while the Comprehensive Environmental Response, Compensation and Liability act (1980)²⁵³ – the so-called “Superfund” act – established a process for repairing previous environmental damage, whenever possible at the expense of the responsible party. Most subsequent environmental policy, whether legislative or administrative, derives in some sense from these acts. But these acts were themselves the product of slowly-building legislative pressures which had begun decades before.

The environmental movement in America has a long a history. Dorceta Taylor, in *The Rise of the American Conservation Movement* states that “environmentalism started as an urban phenomenon.”²⁵⁴ The rapid urbanization associated with the industrial revolution engendered ambivalent feelings among those elites who were the beneficiaries of this societal transformation. “the city both fascinated and troubled them. Their desire to enrich themselves...and exert power...drew them to the cities.”²⁵⁵ Simultaneously, however “they were appalled and alarmed by what they perceived as its disorderliness and its rampant

²⁵¹Bearden, David M., et al. “Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency.” *Journal of Current Issues in Crime, Law & Law Enforcement*, vol. 4, no. 1/2, Apr. 2011, pp. 51–171. *EBSCOhost*,

search.ebscohost.com/login.aspx?direct=true&db=i3h&AN=67159692&site=ehost-live&scope=site. Page 76

²⁵²Bearden, David M., et al. “Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency.” *Journal of Current Issues in Crime, Law & Law Enforcement*, vol. 4, no. 1/2, Apr. 2011, pp. 51–171. *EBSCOhost*,

search.ebscohost.com/login.aspx?direct=true&db=i3h&AN=67159692&site=ehost-live&scope=site. Page 99

²⁵³Bearden, David M., et al. “Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency.” *Journal of Current Issues in Crime, Law & Law Enforcement*, vol. 4, no. 1/2, Apr. 2011, pp. 51–171. *EBSCOhost*,

search.ebscohost.com/login.aspx?direct=true&db=i3h&AN=67159692&site=ehost-live&scope=site. Page 111

²⁵⁴ Taylor, Dorceta E., *The Rise of the American Conservation Movement: Power, Privilege, and Environmental Protection*. Durham: Duke University Press, 2016. Introduction-Kindle Edition

²⁵⁵ Taylor, Dorceta E., *The Rise of the American Conservation Movement: Power, Privilege, and Environmental Protection*. Durham: Duke University Press, 2016. Introduction

immorality....long before wilderness advocates...began campaigning to protect remote natural spaces, urban environmental activists campaigned for environmental protection.”²⁵⁶

Given the interest of elites in environmental causes,²⁵⁷ it is not surprising that the environmental movement became embedded in the broad constellation of public causes which percolated through American civic and political discourse. Per Anne-Marie Todd, America’s natural landscape came to be perceived as a uniquely American cultural treasure, a rival to the grandiose architecture (and implied superior heritage) of Europe.²⁵⁸ In the early twentieth century, a number of Americans began promoting western tourism as an explicit alternative to the European “grand tour” that east-coast elites traditionally undertook.²⁵⁹ As the country became embroiled in two world wars, and subsequently the cold war, the rhetoric of environmentalism became entangled with the rhetoric of national security.²⁶⁰ The conservation of resources was no longer simply a good idea; it was vital to the survival of the state.

The environmental movement intensified in the wake of the second world war, for several reasons. Karl Boyd Brooks traces the beginning of modern environmentalism to the post-war middle-class of the late 1940s. Flushed with new-found political and economic security, a coalition formed between ardent outdoors enthusiasts and a broader American public who might have little practical experience of “the wilderness” but who nonetheless liked the idea of it.²⁶¹

²⁵⁶ Taylor, Dorceta E., *The Rise of the American Conservation Movement: Power, Privilege, and Environmental Protection*. Durham: Duke University Press, 2016. Introduction.

²⁵⁷ Dryzek, John S., *Green States and Social Movements: Environmentalism In the United States, United Kingdom, Germany, and Norway*. Oxford: Oxford University Press, 2003.

²⁵⁸ Todd, Anne Marie. *Communicating Environmental Patriotism: A Rhetorical History of the American Environmental Movement*. Oxfordshire, England: Routledge, 2013. - Introduction

²⁵⁹ Todd, Anne Marie. *Communicating Environmental Patriotism: A Rhetorical History of the American Environmental Movement*. Oxfordshire, England: Routledge, 2013. - Introduction

²⁶⁰ Todd, Anne Marie. *Communicating Environmental Patriotism: A Rhetorical History of the American Environmental Movement*. Oxfordshire, England: Routledge, 2013. – Chapter 5

²⁶¹ Brooks, Karl Boyd. *Before Earth Day : the Origins of American Environmental Law, 1945-1970*. Lawrence: University Press of Kansas, 2009. Kindle Edition – Location 657

The surge in post-war environmental legislation was also driven by a paradox of prosperity. On the one hand, America's growing economy was the proverbial rising tide, offering upward mobility to a generation. These newly-well-off Americans migrated en-masse to the suburbs, took an active role in civic life, and often took up the outdoor recreation that had been, in previous eras, the province of the elite. But at the same time, the post-war economy shone a light on the environmental costs of growth – costs which threatened in turn to undermine continued prosperity.

Nowhere was this paradox more evident than in South California. Los Angeles, and the adjacent counties, nearly tripled in population from 1941 to 1950.²⁶² The soon-to-be-infamous LA smog first became a concern during this time, spurring the passage of the 1947 Air Pollution Control act.²⁶³ This was followed in 1949 by the passage of the Dickey Water Control act.²⁶⁴ Although there was some opposition to these new laws from the business community, most prominent Californians felt that these laws were, if anything, necessary to ensure the continued growth of their economy. The laws were perceived as enablers of capitalism, not restrictions on it. The slowly building mass of state-laws would subsequently help to inspire Federal action on environmental issues.

What becomes clear, on studying the history of American environmental law, is that it did not spring into existence *ex nihilo*.²⁶⁵ Rather, most of these laws were the products of long-percolating trends within American legal and political thought. Indeed, there is an argument to be

²⁶²Brooks, Karl Boyd. *Before Earth Day : the Origins of American Environmental Law, 1945-1970*. Lawrence: University Press of Kansas, 2009. Kindle Edition – Location 1481

²⁶³Brooks, Karl Boyd. *Before Earth Day : the Origins of American Environmental Law, 1945-1970*. Lawrence: University Press of Kansas, 2009. Kindle Edition – Location 1512

²⁶⁴Brooks, Karl Boyd. *Before Earth Day : the Origins of American Environmental Law, 1945-1970*. Lawrence: University Press of Kansas, 2009. Kindle Edition – Location 1576

²⁶⁵Brooks, Karl Boyd. *Before Earth Day : the Origins of American Environmental Law, 1945-1970*. Lawrence: University Press of Kansas, 2009.

made that disputes over environmental law have deeper roots in the English-speaking world than disputes over race relations; “The Rime of King William”, an anonymous poem dating to the 11th century, contains a blistering critique of William the Conquerors forestry laws.²⁶⁶ Most of the concerns addressed by the major pieces of legislation listed at the start of this section had been topics of discussion for decades.

Legal Roots of American Environmentalism

For much of American history, environmental issues were left to the states. Nonetheless, there were a few pieces of legislation whose significance mostly derives from the fact that they laid the groundwork for further action, as the environmental lobby which was active at the state level began to emerge as a national presence. One of the most significant such precursors was the Fish and Wildlife Co-ordination Act. The act represented an early clash between, on the one hand, the industrializing forces of the state, and the tentatively solidifying environmental consciousness of middle-America.²⁶⁷

The FWCA was an attempt by local stakeholders to push back against the industrializing tendency of the new-deal administrative state. The Department of the Interior, along the with US Army Corps of Engineers, embarked in an extensive program of dam-building throughout the United States. These dams were nominally intended to provide cheap hydro-electric power; in effect they often became quasi-Keynesian projects in which the federal government effectively allied itself with local economic interests.²⁶⁸ During the era of the New Deal and subsequently,

²⁶⁶Jurasinski, S. Neophilologus. “The Rime of King William and It’s Analogues.” Kluwer Academic Publishers. (2004) 88: 131. <https://doi-org.proxy1.library.jhu.edu/10.1023/B:NEOP.00000003818.88235.27>

²⁶⁷Brooks, Karl Boyd. *Before Earth Day : the Origins of American Environmental Law, 1945-1970*. Lawrence: University Press of Kansas, 2009. Kindle Edition – Location 758

²⁶⁸Brooks, Karl Boyd. *Before Earth Day : the Origins of American Environmental Law, 1945-1970*. Lawrence: University Press of Kansas, 2009. Kindle Edition – Location 1292

the second world war, there had been little public interest in opposing these programs. But that was changing.

The initial Fish and Wildlife Conservation Act had, in 1934, established fish and wildlife management as a Federal concern. But this concern was mostly symbolic; the act made suggestions, not requirements for Federal agencies involved in large-scale construction projects.²⁶⁹ The 1946 Amendments to the Fish and Wildlife Act made it mandatory for Federal agencies to consult with Fish and Wildlife authorities prior to any project in which “waters...are to be impounded, diverted, or otherwise controlled.”²⁷⁰ In 1958, the act was amended again to direct that wildlife conservation be given “equal consideration” with other concerns in considering large-scale construction projects.

Also in 1946, Congress passed the Administrative Procedures Act. The act was the culmination of a decades-long push for greater oversight of the newly-emerging administrative state. It established a process for public commentary on proposed decisions by administrative agencies, and, most critically, established a procedure for judicial review of administrative decisions.²⁷¹ By opening up the policy-making process to the general public, the APA helped to create a cottage industry of environmental activists and commenters.²⁷² The push-pull between local and federal authorities for control of natural resources would become a recurring element of environmental politics.

²⁶⁹Houck, Oliver A. “Judicial Review Under the Fish and Wildlife Act: A Plaintiffs Guide to litigation.” Environmental Law Review. 1981. Retrieved from: <https://elr.info/sites/default/files/articles/11.50043.htm>. Visited 17November19

²⁷⁰ Judicial Review Under the Fish and Wildlife Act: A Plaintiffs Guide to litigation: <https://elr.info/sites/default/files/articles/11.50043.htm>

²⁷¹No Author. “Summary of the Administrative Procedure Act.” Environmental Protection Agency. Retrieved from: <https://www.epa.gov/laws-regulations/summary-administrative-procedure-act>

²⁷²²⁷²Brooks, Karl Boyd. *Before Earth Day : the Origins of American Environmental Law, 1945-1970*. Lawrence: University Press of Kansas, 2009. Kindle Edition – Location 1048

Once the gates had been opened, environmental lawmaking steadily snowballed.²⁷³ Political activism, legislation, and judicial wrangling fed each other in a positive feedback loop, with each new law giving rise to further legal battles and, in turn, additional legislation.²⁷⁴ These laws were generally not sweeping legislative acts intended to promote the welfare of the environment for its own sake. Rather they were responses to the problems of industrialization, and were phrased in terms of their impact on *human*, rather than ecological, welfare.

The Clean Air Act of 1963 followed a trajectory similar to that of the Fish and Wildlife Co-ordination act. It was preceded by the Air Pollution Control Act of 1955. Like the original Fish and Wildlife Co-ordination act, the Air Pollution Control Act acknowledged a problem – in this case, air pollution – while taking relatively few steps to actually remedy it.²⁷⁵ Actual legislation of pollution was considered to be a state and local problem. Over time, public support began to build for federal action on the issue, culminating in the act's passage in 1963. Like the earlier Administrative Procedure Act, the Clean Air Act established a legal avenue for citizens to redress environmental damage, in this case by allowing citizens to sue for violation of Clean Air standards.²⁷⁶

The Clean Air Act was not unusual in being the latest iteration of a series of environmental policy decisions. The Clean Water act was preceded by the Federal Water

²⁷³Brooks, Karl Boyd. *Before Earth Day : the Origins of American Environmental Law, 1945-1970*. Lawrence: University Press of Kansas, 2009. Kindle Edition – Location 1368

²⁷⁴Brooks, Karl Boyd. *Before Earth Day : the Origins of American Environmental Law, 1945-1970*. Lawrence: University Press of Kansas, 2009. Kindle Edition – Location 1441

²⁷⁵Bearden, David M., et al. "Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency." *Journal of Current Issues in Crime, Law & Law Enforcement*, vol. 4, no. 1/2, Apr. 2011, pp. 51–171. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=i3h&AN=67159692&site=ehost-live&scope=site. Page 54.

²⁷⁶Bearden, David M., et al. "Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency." *Journal of Current Issues in Crime, Law & Law Enforcement*, vol. 4, no. 1/2, Apr. 2011, pp. 51–171. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=i3h&AN=67159692&site=ehost-live&scope=site. Page 54.

Pollution Control Act (1948), and by the Water Pollution Control Act (1956).²⁷⁷ The Resource Conservation and Recover Act (1976) was preceded by the Solid Waste Disposal Act (1965) and by the Resource Recovery Act (1970).²⁷⁸ Social trends and legal activism reinforced each other in a positive feed-back loop, with each new law creating the opportunity for more activism, which in turn led to new laws.

The recurring pattern behind every one of these acts as that they were framed in terms of non-controversial solutions to problems which affected nearly everybody. Those who lost out from environmental legislation were a relatively small minority, with relatively little public traction. Fresh air, clean water, and healthy soil were largely uncontroversial causes, things which almost anyone could get behind.²⁷⁹ No one was going to stand up *for* pollution, after all. The environmental debate was generally framed as a case of the public against – at worst – a small handful of irresponsible industrialists – and, at best, as a case of simple common sense.

A sense of the popular legitimacy the environmental agenda enjoyed may be seen in the voting record for various key pieces of legislation. For example, the National Environmental Policy Act passed the Senate with a unanimous vote, and the House with a vote of 372 for to 15 against.²⁸⁰ The Clean Water Act was not quite so successful, but was still an example of broad bi-partisan consensus, with the Senate over-riding an initial presidential veto by a vote of 52 in

²⁷⁷Bearden, David M., et al. "Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency." *Journal of Current Issues in Crime, Law & Law Enforcement*, vol. 4, no. 1/2, Apr. 2011, pp. 51–171. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=i3h&AN=67159692&site=ehost-live&scope=site. Page 74.

²⁷⁸ Bearden, David M., et al. "Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency." *Journal of Current Issues in Crime, Law & Law Enforcement*, vol. 4, no. 1/2, Apr. 2011, pp. 51–171. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=i3h&AN=67159692&site=ehost-live&scope=site. Page 99

²⁷⁹Woodhouse, Keith Mako. *The Ecocentrists : a History of Radical Environmentalism*. New York: Columbia University Press, 2018. Page 54

²⁸⁰ "National Environmental Policy Act - Ballotpedia," Ballotpedia, 2014, https://ballotpedia.org/National_Environmental_Policy_Act.

favor to 12 against, and the House voting 247 in favor to 23 against.²⁸¹ Just under a third of the Senators and nearly 40% of the Representatives who voted in favor were Republicans. The Environmental-Protection agenda would arguably not become a matter for partisan controversy until the “Sagebrush Rebellion” and the Reagan Era, as discussed in the previous chapter.

Against this backdrop of broad support, it is unsurprising that the Environmental movement only rarely manifested in a radical form. It is probably significant that Earth First!, the most noteworthy and influential “environmental extremist” organization appeared in 1979-1980²⁸², just as mainstream environmentalism had reached its high tide of influence.²⁸³ As soon as the environmental movement set itself in opposition to “progress” – to the march of science, industry, and prosperity, it began to lose steam. So-called “eco-centrism”²⁸⁴, a view of the world which privileged environmental welfare as a value for its own sake, was always going to be a hard sell to the mainstream American public, and remains so to this day. To the question “Should Trees Have Standing?”²⁸⁵, most of the voting public has answered, and continues to answer, “no.”

The scholarly consensus around the environmental movement indicates that its success correlated largely with the degree to which its aims were non-controversial and enjoyed elite support. When the movement took a radical turn, it began to lose traction. To the extent to which the environmental movement employed militant tactics, they do not seem to have had much

²⁸¹ Ann Powers, “Clean Water Act 101—a Bit of Legislative History – GreenLaw,” Pace.edu, 2011, <https://greenlaw.blogs.pace.edu/2011/04/01/cwa101/>.

²⁸² Woodhouse, Keith Mako. *The Ecocentrists : a History of Radical Environmentalism*. New York: Columbia University Press, 2018. Page 132

²⁸³ Spears, Ellen Griffith. *Rethinking the American Environmental Movement Post-1945*. Milton: Routledge, 2019. Page 129

²⁸⁴ Woodhouse, Keith Mako. *The Ecocentrists : a History of Radical Environmentalism*. New York: Columbia University Press, 2018.

²⁸⁵ Woodhouse, Keith Mako. *The Ecocentrists : a History of Radical Environmentalism*. New York: Columbia University Press, 2018. Page 99.

effect. It is worth noting, however, that militant environmentalism always represented a small element of the environmental movement overall. Groups which employed “Monkeywrench” techniques were relatively few in number, and their actions took place on a small scale. Moreover, these forms of direct action were generally targeted against property, rather than people.²⁸⁶ They tended to appear as more of a nuisance than a serious threat. This forms a striking contrast with our next case study. The Civil Rights Movement faced far more deeply-entrenched opposition from the political center and accordingly developed a far more active militant wing, one which aspired to threaten the State itself, a threat taken quite seriously by those charged with the defense of the State.

The Civil Rights Movement

Like the environmental movement, the Civil Rights Movement had its roots in the nineteenth century. But unlike the environmental movement, the discourse around the rights and status of African-Americans had always had undertones of violence. Violence against newly enfranchised blacks and against Republican political operatives contributed significantly to the ultimate failure of Re-construction and to the continued second-class status of African-Americans throughout the country.²⁸⁷ Viewed in this light, the violence of the sixties and seventies is just one more episode in a long series of such.

The full history of the Civil Rights movement is too involved a topic to delve deeply into here. The key points of comparison to the previous section are two-fold. First, the Civil Rights

²⁸⁶ Taylor, Bron. 1999. “Religion, Violence, and Radical Environmentalism.” *The Pomegranate* 10 (November): 4–18.
<http://search.ebscohost.com.proxy1.library.jhu.edu/login.aspx?direct=true&db=rh&AN=ATLA0001664643&site=ehost-live&scope=site>.

²⁸⁷ Fitzgerald, Michael W. “Terrorism and Racial Coexistence in Alabama’s Reconstruction.” *Alabama Review*, vol. 71, no. 1, Jan. 2018, pp. 7–24. *EBSCOhost*, doi:10.1353/ala.2018.0001.

movement faced far more opposition from the political center than the Environmental movement. Second, the militant wing of the Civil Rights movement – as manifested in groups like the Black Panther party – was far more active, high profile, and apparently threatening than the militant wing of the Environmental movement. Precisely because the Civil-Rights movement faced such opposition, many of its supporters were drawn into more militant forms of political activism. Thus, a dynamic was created in which more-radical actors tacitly cooperated with less-radical actors in an effort to advance a shared policy agenda.

In the previous section, the voting records on key pieces of environmental legislation were used to show the depth and breadth of support the environmental movement enjoyed from the political center at the time. In contrast to the unanimously-passing National Environmental Protection Act, the Civil Rights Act of 1964 was passed in the Senate by a vote of 73-27²⁸⁸, and 289-126 in the Senate.²⁸⁹ There were actually more “nay” votes in the Senate than there had been for the earlier and weaker Civil Rights act of 1957.²⁹⁰ The 1964 vote was preceded by the longest continuous debate in Senate history, with opponents engaging in a protracted filibuster in an effort to block passage.²⁹¹ The Voting Rights Act of 1965 faced similar levels of opposition.²⁹²²⁹³ Opposition to the Civil Rights movement at the political center did not represent a majority *per se*, but rather a determined minority who had the political resources to obstruct the movement.

²⁸⁸ “HR. 7152. PASSAGE. -- Senate Vote #409 -- Jun 19, 1964,” GovTrack.us, n.d., <https://www.govtrack.us/congress/votes/88-1964/s409>.

²⁸⁹ “H.R. 7152. CIVIL RIGHTS ACT of 1964. ADOPTION of a ... -- House Vote #182 -- Jul 2, 1964,” GovTrack.us, n.d., <https://www.govtrack.us/congress/votes/88-1964/h182>.

²⁹⁰ “HR. 6127. CIVIL RIGHTS ACT of 1957. -- Senate Vote #75 -- Aug 7, 1957,” GovTrack.us, n.d., <https://www.govtrack.us/congress/votes/85-1957/s75>.

²⁹¹ “U.S. Senate: Landmark Legislation: The Civil Rights Act of 1964,” www.senate.gov, n.d., <https://www.senate.gov/artandhistory/history/common/generic/CivilRightsAct1964.htm>.

²⁹² “TO PASS S. 1564, the VOTING RIGHTS ACT of 1965. -- Senate Vote #78 -- May 26, 1965,” GovTrack.us, 2014, <https://www.govtrack.us/congress/votes/89-1965/s78>.

²⁹³ “U.S. Senate: The Senate Passes the Voting Rights Act,” www.senate.gov, n.d., https://www.senate.gov/artandhistory/history/minute/Senate_Passes_Voting_Rights_Act.htm.

Nearly one-fifth of Congress was a signatory to the “Southern Manifesto”, calling on southerners to exhaust “all ‘lawful means’” in opposition to forced integration.²⁹⁴ No such comparable bloc existed at the time to oppose the environmental movement. Small wonder that in a 1969 Gallup Poll, 21% of respondents said that African-Americans “Will have to use violence” in order to gain their political rights.²⁹⁵

Drawing a firm distinction between “militant” and “non-militant” elements in the black-rights struggle is difficult to do, both because there were a wide range of attitudes about when and how violence be an acceptable tactic, and because many individuals re-thought their opinions over time. At one end of the spectrum is the ideal of complete non-violence. This school had very few adherents. Even Martin Luther King, though most famous as an advocate of non-violence, acknowledged violence in self-defense as legitimate.²⁹⁶²⁹⁷ Being under the threat of violence themselves, civil rights activists at times found themselves compelled to develop an organizational capability for violence. In 1965, in Bogalusa, Louisiana, attempts to register black voters were met with widespread harassment. In the absence of police protection, organizers formed “The Deacons for Defense and Justice” to provide armed escorts for civil-rights workers.²⁹⁸ The Deacons stressed that they were a defensive organization, and that they had no

²⁹⁴ “The Southern Manifesto of 1956 | US House of Representatives: History, Art & Archives,” @USHouseHistory, 2019, <https://history.house.gov/Historical-Highlights/1951-2000/The-Southern-Manifesto-of-1956/>.

²⁹⁵ by RJ Reinhart, “Protests Seen as Harming Civil Rights Movement in the ‘60s,” Gallup.com (Gallup, January 21, 2019), <https://news.gallup.com/vault/246167/protests-seen-harming-civil-rights-movement-60s.aspx>.

²⁹⁶ Williams, Robert F. *Negroes with Guns*. Detroit: Wayne State University Press, 1998 – Kindle Edition – Location 99

²⁹⁷ Dierks, Annelieke. “Between Threat and Reality: The National Association for the Advancement of Colored People and the Emergence of Armed Self-Defense in Clarksdale and Natchez, Mississippi, 1960-1965.” *Journal for the Study of Radicalism* 1, no. 1 (2007): 71-98. <http://www.jstor.org/stable/41887564>.

²⁹⁸ Hill, Rickey. “The Bogalusa Movement: Self-Defense and Black Power in the Civil Rights Struggle.” *Black Scholar* 41, no. 3 (Fall 2011): 43–54. doi:10.5816/blackscholar.41.3.0043.

intention of initiating any confrontation. Ultimately, even Martin Luther King lent support to the Deacons.²⁹⁹

It is worth noting that the Black Panther Party, formed not long after the Deacons, was originally called “The Black Panther Party for Self-Defense.” Over time, however, they began to debate exactly what “self-defense” consisted of. In the beginning, the Panthers were scrupulously adherent to the letter of the law regarding weapons ownership, and had, like the Deacons, adopted a policy of no-first-use. But as time went on, some members of the party began to push for more proactive approach. Eventually, the Black Panthers split between an ultra-militant tendency, championed by Eldridge Cleaver, and a reformist faction championed by founder Huey P. Newton.³⁰⁰³⁰¹³⁰² Ultimately, the party collapsed under the weight of police pressure and its internal dissension.

It is clear that the Black Power movement – a term used here to refer to the whole continuum of explicitly-militant elements of the broader Civil-Rights movement – took pains to assert the morality of their armed stance.³⁰³ This was an important tactic; as mentioned in the first chapter, the more ambivalent the ruling class feels about a radical organization, the harder it will be to suppress the organization through sheer force. It is also clear that their cause enjoyed a degree of support from certain segments of the population – not only African-Americans, but

²⁹⁹ Hill, Rickey. “The Bogalusa Movement: Self-Defense and Black Power in the Civil Rights Struggle.” *Black Scholar* 41, no. 3 (Fall 2011): 43–54. doi:10.5816/blackscholar.41.3.0043.

³⁰⁰ Austin, Curtis J., *Up Against the Wall: Violence In the Making and Unmaking of the Black Panther Party*. Fayetteville: University of Arkansas Press, 2006. Kindle Edition – Location 5929

³⁰¹ Anderson, Joshua. “A Tension in the Political Thought of Huey P. Newton.” *Journal of African American Studies* 16, no. 2 (June 2012): 249–67. doi:10.1007/s12111-011-9207-9.

³⁰² Umoja, Akinyele Omowale. “Repression Breeds Resistance: The Black Liberation Army and the Radical Legacy of the Black Panther Party.” *New Political Science* 21, no. 2 (June 1999): 131. doi:10.1080/07393149908429859.

³⁰³ Gatchet, Amanda Davis, and Dana L. Cloud. “David, Goliath, and the Black Panthers: The Paradox of the Oppressed Militant in the Rhetoric of Self-Defense.” *Journal of Communication Inquiry* 37, no. 1 (January 2013): 5–25. doi:[10.1177/0196859912466411](https://doi.org/10.1177/0196859912466411).

many young, college-educated sons and daughters of the American middle-class, and from prominent left-wingers at all levels of society.³⁰⁴ Insofar as their militant posture drew public attention to their cause, it seems to have been largely beneficial.³⁰⁵ Although it is difficult to prove with certainty, it also seems likely that fear of revolutionary violence played a major role in the passage of at least some civil rights legislation – primarily the Fair Housing Act of 1968.

The "long, hot summer of 1967" was the name given to the series of riots which occurred, appropriately enough, in the summer of 1967. These were not isolated incidents; they were the latest in a series of season bouts of urban unrest, which had occurred with increasing frequency every year since 1964.³⁰⁶ These riots led directly to the creation of the Kerner Commission, whose subsequent frank assessment of American institutional failure³⁰⁷ helped spur the passage of the 1968 Fair Housing Act.³⁰⁸ The riots were by and large spontaneous actions by frustrated inner-city dwellers. Nonetheless, they sensitized Americas leaders to the risks of continued indifference to the issues organized Black Power advocates sought redress for.

Black Power in the Cold War

It is also impossible to understand the rise and impact of Black Power without discussing the geopolitical and cultural context of the Cold War. Black Power was in some sense a product of the same cultural and intellectual ferment which gave rise to anti-colonialist movements

³⁰⁴ Burrough, Bryan, *Days of Rage: America's Radical Underground, the FBI, and the Forgotten Age of Revolutionary Violence*. New York: Penguin Press, 2015.

³⁰⁵ Rhodes, Jane. "Fanning the Flames of Racial Discord: The National Press and the Black Panther Party." *The Harvard International Journal of Press/Politics* 4, no. 4 (1999): 95-118. <https://www.muse.jhu.edu/article/28419>.

³⁰⁶ McLaughlin, Malcolm. *The Long, Hot Summer of 1967 : Urban Rebellion In America*. New York, New York: Palgrave Macmillan, 2014. Page VIII

³⁰⁷ Zelizer, Julian E. *The Kerner Report : the National Advisory Commission On Civil Disorders*. Princeton, New Jersey: Princeton University Press, 2016.

³⁰⁸ Flournoy, Craig. "The Fair Housing Act: Enacted despite the Mainstream Media, Neutered by the Federal Government's Unwillingness to Enforce It." *Cardozo Law Review*, vol. 40, no. 3, Feb. 2019, pp. 1101–1131. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=asn&AN=135181359&site=ehost-live&scope=site.

throughout the global south. As early as 1964, Malcolm X was proclaiming “we are just as thoroughly colonized as anybody.”³⁰⁹ After his death, the rhetoric of internationalist anticolonialism was taken up by the Revolutionary Action movement (RAM), which emphatically saw itself as another front in the struggle for a global communist revolution.³¹⁰ The RAM’s ambitions and rhetoric were generally out of all proportion to their actual capability, but they paved the way for subsequent and better organized groups like the Black Panthers.

The Black Panthers would, over the course of their existence, gain international recognition. This in turn allowed them to forge more substantive ties, not only with political movements in other countries, but with actual nation-states. Cuba, with its geographic proximity and ardently anti-American foreign policy became a frequent safe haven for black nationalists forced to flee the United States.³¹¹ Algeria was another influential post-colonial regime which provided support and safe haven to exiled Black radicals.³¹²

The place of Black Nationalism within the global left was never entirely comfortable or secure. The Soviet Union itself, which by this time had begun to shift away from a militant posture on the geo-political stage towards a policy of “détente” and preservation of the status quo, did not provide a great deal of support. Nonetheless, the Panther’s received backing from a host of post-colonial nations-states. Following his self-imposed exile (precipitated by the threat of a prison sentence), Panther leader Eldridge Cleaver embarked on a world tour which included

³⁰⁹ Malloy, Sean L. *Out of Oakland : Black Panther Party Internationalism During the Cold War*. Ithaca: Cornell University Press, 2017. Page 32

³¹⁰ Malloy, Sean L. *Out of Oakland : Black Panther Party Internationalism During the Cold War*. Ithaca: Cornell University Press, 2017. Page 41

³¹¹ Malloy, Sean L. *Out of Oakland : Black Panther Party Internationalism During the Cold War*. Ithaca: Cornell University Press, 2017 Page 31

³¹² Malloy, Sean L. *Out of Oakland : Black Panther Party Internationalism During the Cold War*. Ithaca: Cornell University Press, 2017. Page 132

Cuba, China, North Korea and Vietnam, before ultimately establishing an “international branch” of the Panthers in Algeria.³¹³

It was during this exile that Cleaver’s views increasingly began to diverge from those of Newton. Newton generally spoke of violence in terms of “self-defense”, and had generally avoided head-on confrontation with the state. Following his imprisonment on charges of killing a police officer, Newton had refused the offer of a jailbreak and instead opted to wage a costly court battle.³¹⁴ Newton, although sensitive to the symbolic appeal of black self-defense, and, to all evidence, quite serious about developing an armed capability, seems to have been increasingly skeptical about the strategic utility of direct confrontation.

Cleaver, however, became increasingly convinced that the way ahead for the Panthers was full-on armed revolution. Following his flight from the United States, his attempts to set up a guerilla base of operations in Cuba was thwarted by the Cuban government’s desire to avoid provoking the United States.³¹⁵ Later, in Algeria, he attempted to rally support from the Marxist bloc by arguing that the Black Panther party was uniquely positioned to strike at the soft underbelly of international capitalism.³¹⁶ Later still, he developed the “Asian strategy”, attempting to build alliances with Vietnam and North Korea.³¹⁷ This tension between the

³¹³ Malloy, Sean L. *Out of Oakland : Black Panther Party Internationalism During the Cold War*. Ithaca: Cornell University Press, 2017. Page 130

³¹⁴ Malloy, Sean L. *Out of Oakland : Black Panther Party Internationalism During the Cold War*. Ithaca: Cornell University Press, 2017. Page 133

³¹⁵ Malloy, Sean L. *Out of Oakland : Black Panther Party Internationalism During the Cold War*. Ithaca: Cornell University Press, 2017.

³¹⁶ Malloy, Sean L. *Out of Oakland : Black Panther Party Internationalism During the Cold War*. Ithaca: Cornell University Press, 2017. 148

³¹⁷ Malloy, Sean L. *Out of Oakland : Black Panther Party Internationalism During the Cold War*. Ithaca: Cornell University Press, 2017. Page 151

revolutionary impulse and the more moderate policies advocated by Newton would ultimately culminate in the splinter of the Black Panther party.

Cleaver's rhetoric was always out of proportion to his successes. Ultimately, his efforts to create a Marxist-Leninist guerrilla army on American soil came to naught. But in the context of the Cold War, many thoughtful observers were prepared to take him seriously, to believe that he represented a potential threat to the entire socio-political structure of the United States. It seems likely that the Panther's international celebrity and their embrace of Marxist-Leninist rhetoric were at the back of J. Edgar Hoover's mind when he stated that the Panthers represented "the greatest threat to the internal security of the country."³¹⁸

Conclusion

How do the Civil Rights/Black Power and the Environmental movement/Militant Environmentalist movements compare with each other? First, there were significant degree of opposition they faced from the political center. Environmental issues were, for most of the nation's history, profoundly bi-partisan. Most Americans took pride in their natural heritage and wanted it to be protected – all other things being equal. Environmentalism only became a controversial and partisan issue in the late twentieth century, after the election of Ronald Reagan. Clearly, the inoffensive goals of "mainstream environmentalists" like the Sierra Club were situated well within America's Overton Window. As a result, there was little strategic advantage to be gained from alliance with more militant actors. It was for this reason that radical actors

³¹⁸ No Author. "Black Panthers Greatest Threat to US Security." Desert Sun, Volume 42, Number 296, 16 July 1969 <https://cdnc.ucr.edu/?a=d&d=DS19690716.2.89&e=-----en--20--1--txt-txIN-----1>

never gained as much prominence in the environmental movement as they did in the Civil Rights movement.

The Civil Rights Movement, in contrast, faced well-organized and deep-seated resistance from the political center, as demonstrated by voting records and the number of influential politicians who signed the Southern Manifesto. For that reason, militancy had much wider appeal to Civil Rights supporters. This phenomena was arguably intensified by the diversity of opinions within the Black Power spectrum. For every Eldridge Cleaver, who wanted a full-on Marxist uprising, there was a Huey Newton, largely content to provoke the system but not bent on head-on confrontation. Revolutionaries in theory were often reformist in practice. Nor was Huey Newton the far pole of black militancy. Newton still proclaimed himself a Marxist, but many advocates of Black self-defense were insistent that they only wanted the same freedoms as any other American. Although the Black Power elements of the broader Civil Rights movement often faced violent repression from local authorities, they also enjoyed support from broad swathes of the American public. The Kerner commissions final report is a testament to the degree to which decision-making elites were willing to concede the legitimacy of Black Power's grievances, if not their tactics. The very fluidity of the Black Power spectrum, from highly-radical hardline Marxists to less-radical Black Self-Defense Advocates to nonviolent Civil Rights Activists made it easier for less-radical actors to form cooperative relationships with more-radical actors.

These different cases suggest a partial answer for the broader theoretical questions we raised at the start of this paper. In the case of environmentalism, it is likely that radical tactics were not deployed precisely because the environmental movement enjoyed broad and non-controversial support. Moreover, the mounting cost of pollution, the risk that it might undermine continued growth and prosperity, and the framework for legal activism combined to create the

pressure which kept the issues continually in the spotlight, maintaining the public will necessary to pass significant legislation over a prolonged period. It is possible that a more pronounced militant wing would have actually undermined the environmentalist cause by associating it with violence and extremism in the public consciousness.

In the case of the Civil Rights movement, however, the intensity of opposition from the center naturally contributed to rise of radical actors tacitly allied with their less-radical counterparts. Although their rhetoric and tactics may have been exceptional, they were only unusually fierce responses to grievances shared by a wide segment of the population. The difference was that the forces invested in maintaining segregation were more powerful and united than the forces arrayed against the environmental movement.

This model of intra-state political dynamics may give us some insight into conflicts which have yet to appear. In a democratic polity, issues on which the forces in conflict are decisively tilted one way or another are unlikely to give rise to a radical-mainstream alliance. Even highly controversial issues where the forces in conflict are broadly equal is unlikely to become violent. As long as the actors in question have equal access to the apparatus of government, it is unlikely that one side or another will see an advantage in making common cause with radical actors. However, in cases where a mainstream actor finds itself in opposition to a well-entrenched adversary with greater influence at the political center, the risk of radical militancy emerging increases accordingly.

Although the previous chapter has demonstrated the circumstances under which radical actors are likely to appear and grow, it has not conclusively demonstrated the effects of said radical actors on the policy changes. There is insufficient data to demonstrate conclusively that fear of groups like the Panther's had a major impact on policy decisions by the center, although it

is a strong possibility given the cold-war climate and degree of publicity the Panther's received. J. Edgar Hoover's denunciation of the Panthers as the greatest threat to national security in the country may have been partially grandstanding, but it arguably also reflected the prevailing national mood. Reform was preferable to revolution, after all. On the other hand, given that much of the Black Power movement aimed for Revolution rather than mere reform, they may have been considered a failure. Our next chapter will examine the importance of limited goals and elite patronage for radical actors, showing that it is precisely those radical actors which share these two characteristics that are most likely to be successful.

Confrontation: When Radicals Succeed

The first chapter of this thesis dealt with reactionary radicals, showing how radical actors can emerge in response to changes at the center. The second chapter dealt with cooperation, showing the circumstances under which radical actors would cooperate with their less-radical mainstream counterparts. This chapter will deal with the circumstances which allow radical actors to succeed, at least partially, in their goals. The key findings are that successful radical actors enjoy elite patronage and pursue carefully delimited goals, often goals which are tacitly supported by a large percentage of the population. Additionally, radical actors are likely to be successful when the elites at the political center are divided and unable to effectively deploy the resources of the state to suppress them. High levels of partisanship, popular unrest, and intra-elite political competition combine to cripple the states ability to suppress radical actors, creating circumstances under which radical actors can thrive.

The most recent and dramatic example of radical actors operating in the confrontational mode was of course the Capitol Hill Insurrection, in which a large crowd (possibly mobilized by a few key individuals)' attempted to overthrow the elected government.³¹⁹ Although the most dramatic in recent history, such phenomena are not unprecedented. As discussed below, there have been several attacks on the capitol over the nation's history, as well as other, less high-profile attacks on the organs of the state at various times and places. This chapter places these incidents in the larger context of American political history, showing the sociopolitical and

³¹⁹ Ruby, Robert A. Pape, Keven. 2021. "The Capitol Rioters Aren't like Other Extremists." The Atlantic. February 2, 2021. <https://www.theatlantic.com/ideas/archive/2021/02/the-capitol-rioters-arent-like-other-extremists/617895/>.

economic circumstances under which these kind of radical tactics are more likely to proliferate, and even succeed.

A History of Violence

Shocking though the events of 6 January 2021 were, they were not the first attack on the capitol.³²⁰ In 1915, a former Harvard Professor named Erich Muentner bombed the Senate in protest of perceived pro-British sentiments amongst the nation's political elites.³²¹ In 1954, armed Puerto Rican nationalists attacked the House of Representatives and wounded five congressmen.³²² In 1971, the Senate was bombed by anti-war protestors³²³ later revealed to be the Weather Underground.³²⁴ In 1983, a group calling themselves the Armed Resistance Unit bombed the Senate in retaliation for US military intervention in Grenada and in Lebanon.³²⁵ The Capitol Hill riot, which claimed five lives,³²⁶ has the dubious distinction of being the deadliest such attack. But as the evidence in this chapter shows it is not an isolated case, nor is violence as rare in American politics as sometimes assumed. On the contrary, violent radicals have played an at times outsized role in the political process.

³²⁰ Puckett, Jason, and Terry Spry. 2021. "VERIFY: Has the US Capitol Ever Been Attacked Before?" Wusa9.com. January 6, 2021. <https://www.wusa9.com/article/news/verify/verify-has-capitol-been-attacked-before/507-df314b7f-33c3-4af4-8029-0ed7fb86fbbf>.

³²¹ Senate Historical Office . n.d. "U.S. Senate: Bomb Rocks Capitol." Wwww.senate.gov. Accessed February 27, 2021. https://www.senate.gov/artandhistory/history/minute/Bomb_Rocks_Capitol.htm.

³²² *History, Art & Archives, U.S. House of Representatives*, "1954 Shooting in the House Chamber," <https://history.house.gov/OralHistory/Detail?id=37761> (February 27, 2021)

³²³ Times, John W. Finney Special to The New York. 1971. "Bomb in Capitol Causes Wide Damage (Published 1971)." *The New York Times*, March 2, 1971, sec. Archives. <https://www.nytimes.com/1971/03/02/archives/bomb-in-capitol-causes-wide-damage-capitol-bombing-does-wide-damage.html>.

³²⁴ Editors, History.com. 2009. "Bomb Explodes in Capitol Building." HISTORY. November 16, 2009. <https://www.history.com/this-day-in-history/bomb-explodes-in-capitol-building>.

³²⁵ Senate Historical Office. n.d. "U.S. Senate: Bomb Explodes in Capitol." Wwww.senate.gov. Accessed February 27, 2021. https://www.senate.gov/artandhistory/history/minute/bomb_explodes_in_capitol.htm.

³²⁶ "Capitol Riot Death Toll Rises to 5; Police Hunt for Suspects." 2021. NBC4 Washington. January 8, 2021. <https://www.nbcwashington.com/news/local/capitol-riot-death-toll-rises-to-5-police-hunt-for-suspects/2534406/#:~:text=Capitol%20Riot%20Death%20Toll%20Rises%20to%20Five&text=Sicknick%20died%20about%209%3A30>.

William Gamson, in his survey *The Strategy of Social Protest* suggests that as many as twenty-five percent of the fifty-three American social movements he surveys were involved in violence in some way.³²⁷ The targets of the violence varied widely. In some cases, as in Father Coughlin's Christian Front Against Communism, or the case of the "Native American" party, the targets were members of "undesirable" groups (Jews and Catholics, respectively).³²⁸ In other cases, the use of violence was significantly more focused and deliberate, with groups such as the Tobacco Night Riders (examined in greater detail later in this paper) systematically intimidating individual opponents.³²⁹

Gamson is not primarily interested in the social causes of violence, but rather its strategic utility or lack thereof to groups which use it. In this context, his analysis suggests that violence can in fact be a useful tactic. In fact Gamson makes the case that "unruly groups, those that use violence, strikes, and other constraints, have better than average success."³³⁰ Gamson's analysis "undermine the following line of thinking: that violence is the product of frustration, desperation, and weakness...an act of last resort...[which] merely hastens and insures its failure."³³¹ On the contrary, Gamson asserts, violence occurs when "hostility towards the victim renders it a relatively safe and costless strategy...the users of violence sense that they will be exonerated because they will be seen as more the midwives than the initiators of punishment."³³²

Critically, Gamson notes, most of those groups which successfully employed violence did not use it as a primary tactic. Instead, it was one aspect of a larger pressure strategy.³³³ His

³²⁷ Gamson, William A. 1990. *The Strategy of Social Protest*. Belmont, California: Wadsworth Pub. Page 72

³²⁸ Gamson, William A. 1990. *The Strategy of Social Protest*. Belmont, California: Wadsworth Pub. Page 75-76

³²⁹ Gamson, William A. 1990. *The Strategy of Social Protest*. Belmont, California: Wadsworth Pub. Page 75

³³⁰ Gamson, William A. 1990. *The Strategy of Social Protest*. Belmont, California: Wadsworth Pub. 87

³³¹ Gamson, William A. 1990. *The Strategy of Social Protest*. Belmont, California: Wadsworth Pub. Page 81

³³² Gamson, William A. 1990. *The Strategy of Social Protest*. Belmont, California: Wadsworth Pub. Page 81

³³³ Gamson, William A. 1990. *The Strategy of Social Protest*. Belmont, California: Wadsworth Pub. Page 82.

analysis suggests that violence is more likely to occur when the leaders of a political movement perceive there is substantial support for their cause. Even if there is not support for violence *per se* among the general population, the leaders of a movement may still perceive violence as being instrumentally useful, particularly if it is used in controlled and targeted ways. When violence in the name of a popular cause is paired with selective violence against unpopular targets, it can help facilitate the ultimate victory of the popular cause.

As demonstrated in the case studies below, this is particularly true when those radical actors enjoy a degree of protection from members of the political elite and focus their violence on achieving relatively narrowly-defined goals. Three case studies that make up the bulk of this chapter: paramilitary violence in East Tennessee during the Civil War, the “Black Patch Tobacco War” in Eastern Kentucky, and the militia movement in the American Midwest. The first case study shows what happens when the political center disintegrates and political elites, rather than suppressing radical actors, actively encourage them. Under such circumstances, radical actors proliferate as the apparatus of the state decays in a vicious cycle. The second showcases the importance of elite patronage and narrow goals to successful radical actors. The Night Riders, the radical actors examined there, form a contrast with the third case study, which deals with the midwest militia movement. Unlike the Night Riders, the militia movement was characterized by a lack of political sophistication, instead motivated by an almost quasi-religious belief in a “second American revolution.” This difference plays a key role in the abject failure of the militia movement, in contrast to the Night Riders. Before reaching these case studies though, we must examine the conditions of unrest under which radical actors thrive.

Theories of Unrest and Upheaval

The exact relationship between economics and political unrest is subject to much dispute. However, the violent episodes this chapter is concerned with can all, to a large extent, be explained by James Chowning Davies' "J-Curve" Theory of Revolutions.³³⁴ Sometimes referred to as "Revolutions of Rising Expectations",³³⁵ this theory postulates that the key drive of political unrest is not suffering per se, but rather a discrepancy between the life people have and the life they have (rightly or wrongly) been led to expect. As J.C. Davies notes, "It is the dissatisfied state of mind, rather than the tangible provision of 'adequate' or 'inadequate' supplies of food, equality, or liberty which produces the revolution."³³⁶ As we will show, this mechanism does much to describe at least two of the major violent outbursts we will examine.

The nature and organization of the modern state also make it uniquely suited to acting as a target for violent discontent. Misagh Parsa, in *Social Origins of the Iranian Revolution*, proposes a model in which popular outrage against the state is directly correlated with the level of state intervention in the economy.³³⁷ "State intervention in capital accumulation...politicizes the markets and economic issues."³³⁸ As Parsa observes, when the government plays a small role in economic policies "the state tends to appear autonomous, serving general societal interests."³³⁹ But such governments are rare. "In the contemporary capitalist world, all states

³³⁴ Davies (J. C.). 1962. "Toward a Theory of Revolution." *American Sociological Review*, 27 (1): 5–19. <http://search.ebscohost.com/login.aspx?direct=true&AuthType=ip,shib&db=ijh&AN=12.518&site=ehost-live&scope=site>.

³³⁵ "The 'Revolution of Rising Expectations,' Relative Deprivation, and the Urban Social Disorders of the 1960s." 2005. *Social Science History* 29 (2): 299–332. doi:10.1017/S0145553200012967.

³³⁶ Davies (J. C.). 1962. "Toward a Theory of Revolution." *American Sociological Review*, 27 (1): 5–19. <http://search.ebscohost.com/login.aspx?direct=true&AuthType=ip,shib&db=ijh&AN=12.518&site=ehost-live&scope=site>. Page 6

³³⁷ Misagh Parsa, *Social Origins of the Iranian Revolution* (New Brunswick: Rutgers University Press, 1989). Page 13-30

³³⁸ Misagh Parsa, *Social Origins of the Iranian Revolution* (New Brunswick: Rutgers University Press, 1989). Page 13

³³⁹ Misagh Parsa, *Social Origins of the Iranian Revolution* (New Brunswick: Rutgers University Press, 1989). Page 15

intervene to varying degrees...the crises of the 1930s...led...to Keynesian demand-management.” Although his model was intended for the developing world it remains relevant in the Global North. In particular, it plays a major role in the third case study, the militia movement in the American Midwest.

Peter Turchin’s *Ages of Discord* introduces the Structural-Demographic Model, which improves and expands upon these earlier theories. The model has three key components. The first is “Labor Oversupply...When the supply of labor exceeds its demands, the price of labor decreases...leading to popular immiseration but creating favorable economic conditions for the elites.”³⁴⁰ Second “Elite Overproduction...increasing numbers of elites and elite aspirants...exceed the ability of society to sustain them, leading to spiraling intra-elite competition and conflict.”³⁴¹ The Structural-Demographic model expands on the J-curve theory by differentiating between expectations amongst the working class and middle classes and expectations amongst elites and near-elites. “Popular Immiseration” in this context simply refers to downward social-mobility on the part of the working and middle classes. “Elite aspirants” on the other hand, are upwardly-mobile members of society whose ambitions are frustrated by the existing sociopolitical structure.

Turchin cites as examples the “closing of the patriciate” to wealthy plebians in ancient Rome³⁴² as well as efforts by the Russian and French monarchies to thin the ranks of the aristocracy by forcibly demoting members of the nobility to commoner status.³⁴³ Taken

³⁴⁰ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page 17

³⁴¹ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page 17

³⁴² Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page 41

³⁴³ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page 41

individually, neither of these phenomena need be catastrophic. However, when both groups are facing a decline, the elite aspirants may mobilize disaffected masses against the elite establishment.³⁴⁴ In this respect, Turchin's structural-demographic crises may be correlated with Baumgartner and Jones' "punctuate equilibria" theory of politics³⁴⁵, in which periodic upheavals by policy-entrepreneurs eventually result in the emergence of a new policy consensus.

Structural Demographic Theory and the American Civil War

Turchin argues that the Civil War was a product of these dynamics. "Before the Civil War, the United States was dominated by the Southern slave-holders in collaboration with Northeastern merchants and bankers."³⁴⁶ Before 1840, political power was effectively consolidated in the hands of a small number of elites, who were united in their policy preferences.³⁴⁷ By the mid-twentieth century, however, the number of upwardly-mobile office-seekers began to overwhelm the limited supply of offices available, a competition intensified by the introduction of the Jacksonian spoils system.³⁴⁸ These northern elites and elite aspirants resented the influence of "Slave Power" over the State.³⁴⁹ Northern elites favored a very different set of policies than the Southern slave-holding aristocracy, preferring policies which encouraged industrialization and

³⁴⁴ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page146

³⁴⁵ Frank R Baumgartner and Bryan D Jones, *Agendas and Instability in American Politics* (Chicago: The University Of Chicago Press, 2009).

³⁴⁶ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page141

³⁴⁷³⁴⁷ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page142

³⁴⁸ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page143

³⁴⁹ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page144

strengthened manufacturing.³⁵⁰ In other words, they preferred policies which would have expanded the number of elite positions available to north-eastern elite-aspirants.

The growing number of frustrated elite-aspirants led to elite fragmentation³⁵¹, in which many wealthy and politically active northerners became increasingly resentful of the Southern Planter-Northern Merchant alliance that had prevailed early in the 19th century. Although many northerners increasingly felt that slavery was morally wrong, only a relatively small number of committed abolitionists made opposition to slavery a central part of their platform.³⁵² The majority tended to resent “Slave Power” more than slavery itself.

At the same time, there was an explosion of nativist sentiment amongst the working classes, who found themselves in labor-market competition with culturally-different new arrivals.³⁵³ The antebellum era was a period of considerable hardship within the working class. From 1844 to 1856, the rate of immigration of unskilled laborers was 950% higher than in the 1830s; for artisans, the rate was 279%³⁵⁴. Between 1850 and 1860, the demand for poverty relief increased by 76%, far outstripping the supply of said relief.³⁵⁵ Per Turchin’s model, this popular discontent was redirected by elite political entrepreneurs against the southern slave

³⁵⁰ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page144

³⁵¹ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page144-145

³⁵² Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page 144

³⁵³ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page146

³⁵⁴ Margo, Robert A. 1998. “Wages and Labor Markets Before the Civil War.” *American Economic Review* 88 (2): 51–56. <http://search.ebscohost.com/login.aspx?direct=true&AuthType=ip,shib&db=bsu&AN=665287&site=ehost-live&scope=site>. Page 53

³⁵⁵ Margo, Robert A. 1998. “Wages and Labor Markets Before the Civil War.” *American Economic Review* 88 (2): 51–56. <http://search.ebscohost.com/login.aspx?direct=true&AuthType=ip,shib&db=bsu&AN=665287&site=ehost-live&scope=site>. Page 54

aristocracy.³⁵⁶ These conditions – a divided elite and the ensuing collapse of the political center – would contribute to widespread violence by radical non-state actors in the coming war.

Radical Violence in the Civil War Era

The actual outbreak of the Civil War was preceded by a long period of intensifying polarization and rising hostility between various non-state actors. In *With Ballots and Bullets*, Nathaniel Kalmoe sketches the partisan battle-lines that had settled firmly into place long before the first shot rang out at Ft Sumter. The election of 1856 marked the emergence of a clear split between North and South, with the future of slavery clearly eclipsing all other issues in national importance.³⁵⁷ When the Confederacy began five years later, a number of Senators and representatives abandoned their seats in order to take up positions in the Confederate government. Every Senator was a Democrat, as were three-fourths of the representatives.³⁵⁸ None were Republicans.³⁵⁹ This partisanship would manifest itself in numerous ways. Kalmoe finds correlations between community partisanship and rates of enlistment³⁶⁰ and desertion³⁶¹ and even in death rates among soldiers in active service.³⁶²

This polarization manifested itself in irregular violence even before the outbreak of the war. Most ironically, on the floor of the Senate, Preston Brooks of South Carolina beat Charles

³⁵⁶ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page 146

³⁵⁷ Nathan P Kalmoe, *With Ballots and Bullets : Partisanship and Violence in the American Civil War* (Cambridge, United Kingdom ; New York, Ny Cambridge University Press, 2020). Page 22

³⁵⁸ Nathan P Kalmoe, *With Ballots and Bullets : Partisanship and Violence in the American Civil War* (Cambridge, United Kingdom ; New York, Ny Cambridge University Press, 2020). Page 25

³⁵⁹ Nathan P Kalmoe, *With Ballots and Bullets : Partisanship and Violence in the American Civil War* (Cambridge, United Kingdom ; New York, Ny Cambridge University Press, 2020). Page 25.

³⁶⁰ Nathan P Kalmoe, *With Ballots and Bullets : Partisanship and Violence in the American Civil War* (Cambridge, United Kingdom ; New York, Ny Cambridge University Press, 2020). Page 25. Page 78-79

³⁶¹ Nathan P Kalmoe, *With Ballots and Bullets : Partisanship and Violence in the American Civil War* (Cambridge, United Kingdom ; New York, Ny Cambridge University Press, 2020). Page 86

³⁶² Nathan P Kalmoe, *With Ballots and Bullets : Partisanship and Violence in the American Civil War* (Cambridge, United Kingdom ; New York, Ny Cambridge University Press, 2020). Page 25. Page 88-91

Sumner of Massachusetts, while another congressman, Laurence Keitt, held the rest of the Senate at gunpoint to prevent them from intervening.³⁶³ Perhaps more significant, if less shocking, were the outbursts of quasi-organized violence centered on attempts to influence local political questions. Kansas, not yet a state, was the site of savage violence between pro- and anti-slavery activists, arguably escalating to the level of low-intensity warfare and causing perhaps hundreds of deaths.³⁶⁴

Tennessee provides a good illustration of the kind of partisan fighting that occurred at the local level, as chronicled in *War At Every Door*. Tennessee had a profoundly sectional character, with East, Middle, and Central Tennessee each having a distinct regional identity.³⁶⁵ East Tennessee had a highly industrialized economy compared to the rest of the state³⁶⁶ and differed sharply from the other two regions in their agricultural sector (they grew far less cotton than the other regions)³⁶⁷ levels of slave-holding (East Tennessee had far fewer slaves)³⁶⁸ and in their levels of wealth (East Tennessee was far poorer).³⁶⁹ Given these differences, it is perhaps unsurprising that when Secession came, East Tennessee rejected it by more than two to one.³⁷⁰

³⁶³ Nathan P Kalmoe, *With Ballots and Bullets : Partisanship and Violence in the American Civil War* (Cambridge, United Kingdom ; New York, Ny Cambridge University Press, 2020). Page 29.

³⁶⁴ Nathan P Kalmoe, *With Ballots and Bullets : Partisanship and Violence in the American Civil War* (Cambridge, United Kingdom ; New York, Ny Cambridge University Press, 2020). Page 28

³⁶⁵ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 15.

³⁶⁶ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 17-28

³⁶⁷ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 19

³⁶⁸ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 20

³⁶⁹ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 20

³⁷⁰ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 4

The region rapidly became a battleground for irregular violent actors. In East Tennessee, political, military, and criminal objectives became entangled with each other³⁷¹, with local combatants frequently driven by a combination of personal and ideological motives.³⁷² The scale of irregular actions was often striking. Early on, pro-unionist forces more or less spontaneously assembled themselves in groups of hundreds or even thousands in anticipation of the war.³⁷³ In one particularly bold action, a pro-union minister led an operation to destroy five of nine bridges which offered the Confederate forces access to East Tennessee.³⁷⁴ Subsequently, the Unionist population rose in open revolt against the Confederate government, in hopes that Federal troops would arrive to assist them.³⁷⁵ The looked-for troops never arrived, but the uprising forced the Confederate government to dispatch six regiments of regular troops to contain the uprising.³⁷⁶

The situation was aggravated by the involvement of *regular* violent actors i.e., the Union and Confederate militaries. Both Union and Confederate officers condemned partisans as little better than bandits; both also worked with irregulars when it seemed convenient.³⁷⁷ Large numbers of East Tennesseans fled to join the Union army, with the aid of “pilots,” i.e., smugglers.³⁷⁸ These pilots often received varying degrees of aid from the Union military³⁷⁹; with

³⁷¹ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 62

³⁷² Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 88-89

³⁷³ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 42

³⁷⁴ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 54

³⁷⁵ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 54

³⁷⁶ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 56

³⁷⁷ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 3

³⁷⁸ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 65

³⁷⁹ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 65

one particularly successful pilot, Daniel Ellis, actually receiving a Captain's commission in the Union Army, at the same time that he acted as a guerilla leader.³⁸⁰ Confederate partisans, meanwhile, were sometimes joined by Confederate Cavalry operating from across the border in Georgia and North Carolina.³⁸¹ The Department of the Tennessee was of little strategic significance and was perpetually short on military manpower³⁸² which meant that neither Confederate nor Union forces could be particularly picky about the conduct of local allies.

Of note was the inability of political moderates and the apparatus of the state to control the local population – even the population that was ostensibly on the state's side. When the Confederates held the territory, they were reluctant to impose stern measures on what they believed was a population that had been misled by its leaders.³⁸³ As the war went on, this indulgent attitude gradually faded,³⁸⁴ but the inconsistency of Confederate policy and their lack of resources hindered their ability to combat pro-Union partisans, and left with them with little incentive to police pro-Confederacy partisans. Conversely, when the Union forces controlled the region, they regarded the population as basically hostile and ruled with a heavy hand.³⁸⁵ Precisely because of this difference in attitude, they were force to rely extensively on the Home Guard – effectively, loyalist partisans with a veneer of official backing. In neither case did the apparatus of the state effectively counter irregular violence. Instead, it enabled it.

³⁸⁰ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 64-66

³⁸¹ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 83

³⁸² Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 175

³⁸³ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 109

³⁸⁴ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997).

³⁸⁵ Noel C Fisher, *War at Every Door : Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University Of North Carolina Press, 1997). Page 175

Appeals to moderation by various local leaders were likewise ineffectual. In this, Tennessee was a reflection of broader trends within American politics: the collapse of the moderate center. By 1862, many Northern Democrats had adopted a stance of supporting the war while opposing many of the war's specific policies.³⁸⁶ This left them suspect in the eyes of Republicans, who widely denounced them as putting loyalty to party over loyalty to country for their opposition to policies such as emancipation.³⁸⁷ The rhetoric of "country before party" thus became a tool to bludgeon opponents rather than a unifying force.³⁸⁸

The Civil War in East Tennessee demonstrates several striking features. Most importantly, as discussed in the introduction, it is a prime example of the circumstances under which radical actors thrive. As the war went, neutrality increasingly became an impossibility. This in turn made it easier for local elites to mobilize the population into radical paramilitary activity, consistent with Gamson's analysis about the strategic utility of violence. In a climate of intense polarization, there was potentially much to gain, and little to lose, from taking the fight to the enemy. The center was unable to effectively suppress radical actors and soon much of the population decided it was profitable to align with one radical faction or another rather than trying to remain aloof from the conflict.

The conflict was greatly aggravated by the presence of quasi-state actors, in the form of the of the Confederate and Union military governments. Critically, these quasi-state actors lacked the resources to control the region themselves, and therefore empowered elements of the

³⁸⁶ Nathan P Kalmoe, *With Ballots and Bullets : Partisanship and Violence in the American Civil War* (Cambridge, United Kingdom ; New York, Ny Cambridge University Press, 2020). Page 62

³⁸⁷ Nathan P Kalmoe, *With Ballots and Bullets : Partisanship and Violence in the American Civil War* (Cambridge, United Kingdom ; New York, Ny Cambridge University Press, 2020). Page 62

³⁸⁸ Nathan P Kalmoe, *With Ballots and Bullets : Partisanship and Violence in the American Civil War* (Cambridge, United Kingdom ; New York, Ny Cambridge University Press, 2020). Page 62

local population to act on their behalf. The de-facto alliance between elements of the government and the paramilitaries weakened the perception that the state was a neutral actor, and further eroded norms about the appropriateness of violence as a dispute-resolution tool. Radical actors could operate with little fear of repercussion.

The Black Patch War

The Black Patch Tobacco War (1906-1909)³⁸⁹ is a far more obscure conflict than the Civil War. Like the militia movement that came nearly a century later, the conflict was provoked by the economic grievances of small land-owners in an unequal relationship with a vertically-integrated purchasing agent. Beginning in around 1890, the American Tobacco Company began to establish a near-monopoly of the tobacco market. The ATC either purchased or drove out of business an estimated 250 independent businesses.³⁹⁰ The ATC divided tobacco-producing territories into districts, with each district assigned to a single buyer.³⁹¹ Tobacco farmers in turn could take whatever price the buyer offered or take nothing at all. So deeply-rooted were these monopolistic practices that in one case, a tobacco buyer reportedly refused to cross the road to look at another part of the farmers crop, saying that the other side of the road was outside his allotted territory.³⁹² By the beginning of the 20th century, the “Duke Trust” (so called for its owner James Duke)

³⁸⁹ Tracy Campbell, “‘Hard Times’ and Insurgent Politics: Origins of the Black Patch War, 1875-1904,” *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 1

³⁹⁰ Tracy Campbell, “‘Hard Times’ and Insurgent Politics: Origins of the Black Patch War, 1875-1904,” *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 386-387

³⁹¹ Tracy Campbell, “‘Hard Times’ and Insurgent Politics: Origins of the Black Patch War, 1875-1904,” *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 386-387

³⁹² Tracy Campbell, “‘Hard Times’ and Insurgent Politics: Origins of the Black Patch War, 1875-1904,” *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 387

controlled an estimated 82% of the country's Tobacco market.³⁹³ The results were predictable.

Under Duke's policies, the price-per-pound of Tobacco for farmers dropped from 6 cents in 1900 to 2 to 3 cents in 1904.³⁹⁴

The farmers responded by forming their own cooperative and collective bargaining instruments. These efforts were merely the latest in a long of attempts by independent farmers to alleviate their position. In 1870, the Greenback-Labor party had formed in response to the "crop-lien" system, in which cash-strapped farmers were forced to grow cash-crops in order get credit from local lenders.³⁹⁵ The Greenback-Labor party advocated for an expansion of the money supply in order to alleviate the pressure on farmers; although they had little success, what success they enjoyed was overwhelmingly concentrated in the "Black Patch" region, the heartland of crop-lien and debt-bondage.³⁹⁶ This was followed by the Grangers, who attempted to buy farm goods in bulk and manufacture cheap fertilizer for local farmers.³⁹⁷ By 1878, the Grangers had collapsed under pressure from local merchants, who embargoed commerce with the organization.³⁹⁸ The failure of these efforts persuaded agrarian activists that the best way to

³⁹³ William Funk, "Brutal Savors of the Black Patch," *History Today*, June 2014. Page 21

³⁹⁴ William Funk, "Brutal Savors of the Black Patch," *History Today*, June 2014. Page 21

³⁹⁵ Tracy Campbell, "'Hard Times' and Insurgent Politics: Origins of the Black Patch War, 1875-1904," *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 380-381

³⁹⁶ Tracy Campbell, "'Hard Times' and Insurgent Politics: Origins of the Black Patch War, 1875-1904," *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 381

³⁹⁷ Tracy Campbell, "'Hard Times' and Insurgent Politics: Origins of the Black Patch War, 1875-1904," *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 381-382

³⁹⁸ Tracy Campbell, "'Hard Times' and Insurgent Politics: Origins of the Black Patch War, 1875-1904," *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 381

level the playing field was the creation of “sub-treasuries” which could offer low-credit loans to farmers, alleviating their credit crunch and allowing them to hold out for higher prices.³⁹⁹

In 1888, Tobacco farmers had formed the “Tobacco Congress”⁴⁰⁰ as a subset of the larger “Wheel and Alliance” agricultural populist movement.⁴⁰¹ By this time, populism had become a truly nationwide force, with Democratic and Republican candidates forced to address the issues it brought to the forefront⁴⁰² and prominent spokesmen from national-level organizations observing events in the region.⁴⁰³ Campaigning as a third party, the populists would elect a governor, fifteen state senators, and fifty-two lower-house representatives in Kentucky and Tennessee by 1891.⁴⁰⁴ The sense of agency local farmers derived from participating in these movements would play a critical role in the establishment of later cooperative organizations.⁴⁰⁵

The rise of populism across the United States was inadequate to prevent the Duke Trust’s growing stranglehold on the tobacco industry and tobacco planters throughout the Black Patch

³⁹⁹ Tracy Campbell, “‘Hard Times’ and Insurgent Politics: Origins of the Black Patch War, 1875-1904,” *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 382

⁴⁰⁰ Tracy Campbell, “‘Hard Times’ and Insurgent Politics: Origins of the Black Patch War, 1875-1904,” *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 384

⁴⁰¹ Tracy Campbell, “‘Hard Times’ and Insurgent Politics: Origins of the Black Patch War, 1875-1904,” *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 383

⁴⁰² Tracy Campbell, “‘Hard Times’ and Insurgent Politics: Origins of the Black Patch War, 1875-1904,” *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 385

⁴⁰³ Tracy Campbell, “‘Hard Times’ and Insurgent Politics: Origins of the Black Patch War, 1875-1904,” *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 385

⁴⁰⁴ Tracy Campbell, “‘Hard Times’ and Insurgent Politics: Origins of the Black Patch War, 1875-1904,” *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 386

⁴⁰⁵ Tracy Campbell, “‘Hard Times’ and Insurgent Politics: Origins of the Black Patch War, 1875-1904,” *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>.

region.⁴⁰⁶ Armed with their previous experience, the tobacco farmers of the Black Patch came together to form the Tobacco Growers Association (the group that would later become the Protective Planters Association) in 1901.⁴⁰⁷ Notably, the Grower's association first cultivated support from local elites. At the initial meeting, one farmer observed that local banks stood to lose as much as the farmers did from the ATC's monopolistic tactics, given the region's economic dependence on Tobacco.⁴⁰⁸ This alliance with local elites was reflected in the organization's composition. Founding member John M. Foster was trained as a lawyer at Vanderbilt University before becoming a farmer⁴⁰⁹, while later leader Felix Ewing owned 260 acres, making him extraordinarily wealthy by regional standards.⁴¹⁰ The alliance was also reflected in the organizations policy. As Tracy Campbell observed, under Ewing's leadership, the organization shunned larger systemic issues of "politics, the money system of the country, and other diverse things" and kept "but one end in view, the better price of tobacco."⁴¹¹ This narrow focus stood in sharp distinction to the earlier efforts to bypass the banks by creating "sub-

⁴⁰⁶ Tracy Campbell, "'Hard Times' and Insurgent Politics: Origins of the Black Patch War, 1875-1904," *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 386

⁴⁰⁷ Tracy Campbell, "'Hard Times' and Insurgent Politics: Origins of the Black Patch War, 1875-1904," *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 1

⁴⁰⁸ Tracy Campbell, "'Hard Times' and Insurgent Politics: Origins of the Black Patch War, 1875-1904," *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 388

⁴⁰⁹ Tracy Campbell, "'Hard Times' and Insurgent Politics: Origins of the Black Patch War, 1875-1904," *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 389

⁴¹⁰ Tracy Campbell, "'Hard Times' and Insurgent Politics: Origins of the Black Patch War, 1875-1904," *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 389

⁴¹¹ Tracy Campbell, "'Hard Times' and Insurgent Politics: Origins of the Black Patch War, 1875-1904," *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 392

treasuries”, and it bore fruit: as many as 32 local bankers gave financial support to the Association.⁴¹²

The Duke Trust responded to these efforts by attempting to bypass the collective bargaining apparatus. They began offering preferable rates to those farmers who refused to join the association⁴¹³ The farmers in turn began applying pressure to “hillbillies” who refused to join the grower’s association.⁴¹⁴ The methods of persuasion were at first non-violent; boycotts of merchants who spoke against the growers association, walkouts by parishioners on pastors who spoke against the group.⁴¹⁵ The group publicly maintained a non-violent stance, and gained, by some estimates, about 70% of the Black Patch farmers.⁴¹⁶ The boycott strategy, however, relied on transforming the conflict into a war of economic attrition, one which the Duke Trust, with its vast financial reserves, was considerably better-equipped to endure than the cash-strapped farmers. Soon, the methods of friendly persuasion would turn to violence.

“The Silent Brigade”, also called ‘night riders’ was never proven to be an arm of the PPA, who disavowed them while expressing sympathy for their goals.⁴¹⁷ They began by targeting not people, but crops, destroying plants and infrastructure of non-association members.⁴¹⁸ Simple acts like salting the fields⁴¹⁹ of anti-association farmers were not particularly

⁴¹² Tracy Campbell, “‘Hard Times’ and Insurgent Politics: Origins of the Black Patch War, 1875-1904,” *The Register of the Kentucky Historical Society* Vol. 89, No. 4 (n.d.), <https://doi.org/https://www.jstor.org/stable/23381932?seq=1>. Page 396

⁴¹³ Terry Bisson, “Tobacco Terror,” *American History*, October 2016, <https://www.historynet.com/tobacco-terror.htm>. Page 60

⁴¹⁴ William Funk, “Brutal Saviors of the Black Patch,” *History Today*, June 2014. Page 23

⁴¹⁵ Terry Bisson, “Tobacco Terror,” *American History*, October 2016, <https://www.historynet.com/tobacco-terror.htm>. Page 60

⁴¹⁶ Terry Bisson, “Tobacco Terror,” *American History*, October 2016, <https://www.historynet.com/tobacco-terror.htm>. Page 60

⁴¹⁷ Terry Bisson, “Tobacco Terror,” *American History*, October 2016, <https://www.historynet.com/tobacco-terror.htm>. Page 60

⁴¹⁸ William Funk, “Brutal Saviors of the Black Patch,” *History Today*, June 2014. Page 24

⁴¹⁹ William Funk, “Brutal Saviors of the Black Patch,” *History Today*, June 2014. Page 24

dramatic, but they were potentially ruinous for independent farmers operating on the economic knife-edge. More spectacularly, the Night Riders began attacking warehouses and destroying stockpiles of merchants who opposed the trust. In one instance, they seem to have destroyed two warehouses in separate counties on the same day, burning down one and dynamiting the other.⁴²⁰ The fact that the second warehouse was owned by a Baptist seminary⁴²¹ gives some indication of how far the Night Riders were willing to go in pursuit of their goals.

Intimidation and violence against persons followed soon enough. A typical case was that of Joe Bennett, a relatively wealthy businessman who was beaten “until he couldn’t get his breath...they was like to kill him.”⁴²² The intimidation was not confined simply to local actors. In one particularly memorable instance, a New York merchant associated with the Duke Trust cabled his employer “Arrived Hopkinsville midnight – checked into hotel at one – Night Riders filled room with bullets at two – I quit.”⁴²³ At the height of their influence, the Night Riders launched raids into the towns served as commercial hubs – Princeton, Hopkinsville, and Russellville - for the Tobacco industry, holding police at gunpoint and destroying critical assets and infrastructure.⁴²⁴

The most striking thing about the Night Riders is the extent to which they were successful. Dr David Amoss, widely believed to have been the leader of the Night Riders, was

⁴²⁰ Suzanne Marshall, *Violence in the Black Patch of Kentucky and Tennessee* (Columbia ; London: University Of Missouri Press, Cop, 1994). Page 122

⁴²¹ Suzanne Marshall, *Violence in the Black Patch of Kentucky and Tennessee* (Columbia ; London: University Of Missouri Press, Cop, 1994). Page 122

⁴²² Suzanne Marshall, *Violence in the Black Patch of Kentucky and Tennessee* (Columbia ; London: University Of Missouri Press, Cop, 1994). Page 123

⁴²³ William Funk, “Brutal Saviors of the Black Patch,” *History Today*, June 2014. Page 25

⁴²⁴ Suzanne Marshall, *Violence in the Black Patch of Kentucky and Tennessee* (Columbia ; London: University Of Missouri Press, Cop, 1994). Page 123

acquitted by a jury after his arrest.⁴²⁵ By 1909, the price of tobacco had risen enough for farmers to gain a measure of fiscal stability⁴²⁶, returning to eight cents a pound, approximately the levels they had been prior to the Duke Monopoly.⁴²⁷ And in 1910, the American Tobacco company was broken up by the Supreme Court, under the auspices of the Anti-Trust Act.⁴²⁸

Examining the record, there seem to be several reasons for the Night Rider's (relative) success in employing violence as a political instrument. First, consistent with Gamson's theory, there was widespread support for their cause, if not their specific tactics. The Planter's Protective Alliance was widely supported by many Black Patch residents, even without the coercive tactics employed by the Nigh Riders. Critically, the use of violence does not seem to have alienated anyone who already meaningfully supported the PPA. Insofar as their intimidation tactics had an effect, they seem to have only strengthened the PPAs support base. Moreover, their campaign took place in the midst of larger nation-wide pushback against Gilded-Age plutocrats, as evidenced by the Supreme Court's ruling against American Tobacco. The Night Riders were swimming with the tide, not against it. Equally important was the involvement of local elites, who provided organizational capital and a persuasive public face for the organization, championing their cause in the press and in the political arena. Lastly, they had a keen understanding of their strategic position vis-à-vis their opponents. They kept their focus on narrow, tactically-achievable goals, and concentrated on hitting their enemy where they were

⁴²⁵ Suzanne Marshall, *Violence in the Black Patch of Kentucky and Tennessee* (Columbia ; London: University Of Missouri Press, Cop, 1994). Page 122

⁴²⁶ Rick Gregory, "Robertson County and the Black Patch War, 1904-1909," *Tennessee Historical Quarterly* 39, no. 3 (1980): 341-58, <https://www.jstor.org/stable/42626100>. Page 349

⁴²⁷ William Funk, "Brutal Saviors of the Black Patch," *History Today*, June 2014. Page 25

⁴²⁸ "U.S. Reports: United States v. American Tobacco Co., 221 U.S. 106 (1911).," Library of Congress, Washington, D.C. 20540 USA, 1910, <https://www.loc.gov/item/usrep221106/>.

most vulnerable. In all these respects, they formed a striking contrast with the mid-western militia movement that would appear nearly a century later.

Rage in the Midwest

The destruction of the Alfred P Murrah Building in 1995 in Oklahoma City was one of the deadliest terrorist attacks on American soil.⁴²⁹ It killed 168 people and drew the attention of media observers and governmental figures across the nation.⁴³⁰ As the militia movement entered the public discourse, it was common to draw comparisons with previous right-wing militant groups like the Klu Klux Klan. But this is a somewhat misleading comparison because the Klan was largely focused on maintaining control of local power structures in the face of Reconstruction by intimidation and violence.⁴³¹ The targets of the Klan's violence was usually their newly-freed neighbors or agents of reconstruction.⁴³²

By contrast, the militia movement of the 1990s was rooted in the socioeconomic conditions of the rural Midwest⁴³³ and lacked the political and organizational savvy of the Klan. There was a deeply racial component to the rhetoric and logic of the militia movement, particularly among its most high-profile spokesmen.⁴³⁴ But within midwestern communities, this

⁴²⁹ Teague, David C. 2004. "Mass Casualties in the Oklahoma City Bombing." *Clinical Orthopaedics and Related Research* 422 (422): 77–81. <https://doi.org/10.1097/01.blo.0000131201.20418.82>.

⁴³⁰ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahama City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 1

⁴³¹ M Bryant, Jonathan. 2020. "Ku Klux Klan in the Reconstruction Era." New Georgia Encyclopedia. August 11, 2020. <https://www.georgiaencyclopedia.org/articles/history-archaeology/ku-klux-klan-reconstruction-era>.

⁴³² M Bryant, Jonathan. 2020. "Ku Klux Klan in the Reconstruction Era." New Georgia Encyclopedia. August 11, 2020. <https://www.georgiaencyclopedia.org/articles/history-archaeology/ku-klux-klan-reconstruction-era>.

⁴³³ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. 27-45

⁴³⁴ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. 81

racial rhetoric was by necessity, largely abstract. The Black population is far lower in the Midwest than the in the South, and is more often concentrated in urban areas⁴³⁵ rather than farm communities. Likewise, the National Jewish Population Survey estimated that at the turn of the millennium, the Jewish community in the Midwest was actually the smallest of all major regions in the country.⁴³⁶ Thus the militia movement did not have a concrete local target in the form of a distinct population that could be subjected to a violent pressure campaign. The violence of the militia movement was more often focused on highly symbolic rather than practical targets.

By comparison with their Black Patch predecessors, the militia wave of the 1990s was far less organized and sophisticated. It was a product of socioeconomic decline in the American heartland.⁴³⁷ In the 1970s, the Department of Agriculture, along with private and government lenders, pushed a policy of “get big or get out.”⁴³⁸ An expansionary boom ensued as large volumes of easy money entered the market. This expansionary boom abruptly collapsed when the Federal Reserve decided to curtail inflation by raising interest rates.⁴³⁹ As a result, numerous small and mid-size farmers suddenly had to pay ever-higher interest rates at the same time that the value of their land was plummeting.⁴⁴⁰

⁴³⁵ Office, US Census Bureau Public Information. 2001. “Majority of African Americans Live in 10 States; New York City and Chicago Are Cities with Largest Black Populations - Census 2000 - Newsroom - U.S. Census Bureau.” [www.census.gov](https://www.census.gov/newsroom/releases/archives/census_2000/cb01cn176.html#:~:text=The%20region%20with%20the%20highest). August 13, 2001.

⁴³⁶ “National Jewish Population Survey 2000-01 Jews in the Midwest a United Jewish Communities Presentation of Findings.” n.d. Accessed February 27, 2021. https://www.jewishdatabank.org/content/upload/bjdb/307/NJPS2000_Jews_in_the_Midwest.pdf.

⁴³⁷ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 13

⁴³⁸ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 18

⁴³⁹ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 18

⁴⁴⁰ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 18

The economic pressure on small farmers was intensified by a trend towards unprecedented consolidation in the agricultural industry.⁴⁴¹ Reporter Joel Dyer uses the example of a hypothetical farmer Jones who, over the course of a year pays out to fifteen different companies for various critical supplies and services: seed, animal feed, sprinkler equipment, insurance, shipping and storage for his products.⁴⁴² In fact, all of these companies are owned by a single multinational corporation.⁴⁴³ “The companies own banks, investment firms, insurance companies, steel companies, chemical companies, and lumber companies. They are the buyers of the farmers products as well as the processors of those products.”⁴⁴⁴ As a result of their lack of bargaining power, the small farmers were forced to take whatever price these multinational conglomerates offered for their crops. Usually, what they offered was not enough to keep afloat financially. At the peak of the farm crisis, approximately a million people were forced off their family farms in a twelve-month period.⁴⁴⁵

This in turn led to a mental health crisis within rural communities. Farmers, faced with the collapse of their way of life and the loss of land that had been in their family for, in some cases, generations, grew despondent and at times violent. One researcher at the University of Oklahoma found that in 1989, suicide surpassed equipment accidents as the leading cause of death on family farms.⁴⁴⁶ An Iowa study found that rural child abuse increased by 43.6% from

⁴⁴¹ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 111

⁴⁴² Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 111

⁴⁴³ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. 111

⁴⁴⁴ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. 111

⁴⁴⁵ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. 18

⁴⁴⁶ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. 33

1982 to 1986.⁴⁴⁷ Given the centrality of agriculture to many small rural towns, the effects were not limited to the farmers themselves, but swallowed whole communities. “Traditional role models such as Sunday-school teachers, physicians, baseball coaches, and doctors, have all but disappeared as small towns have been boarded up as a result of the failing economy.”⁴⁴⁸

Thus, by the late 1980s, the rural Midwest was filled with large numbers of desperate farm-owners and their only slightly-less unsettled neighbors. Some of these men turned their desperation and anger on themselves or their families. Others, however, directed their anger at the United States government (perhaps more accurately, their own conspiratorial imagining of the United States government). In the words of one of Dyer’s informants “When these [anti-government] groups come along and tell a struggling person...it’s the governments fault...They’re offering them the hope that the system can’t or won’t.”⁴⁴⁹ What is most striking about the strategy these radical actors adopted however, is its relative lack of political sophistication.

Dyer uses a farmer named Gideon Cowan as a case study in the process of radicalization. In 1990, Gideon Cowan’s farm was confiscated and his equipment sold at auction.⁴⁵⁰ In the course of trying to keep his farm, Cowan sued a local banker.⁴⁵¹ The judge ruled that the banker was liable for fraud – but that the bank still had the right to foreclose on Cowan’s farm.⁴⁵²

⁴⁴⁷ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. 19

⁴⁴⁸ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 65

⁴⁴⁹ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 51

⁴⁵⁰ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 54

⁴⁵¹ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 55

⁴⁵² Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page

Cowan's family lacked the money to pay lawyers to continue contesting the case.⁴⁵³ Cowan subsequently became involved in the anti-government movement, associating with groups that argued the plight of Cowan and his neighbors was due to a nebulous conspiracy of wealthy Jews.⁴⁵⁴ More to the point, as far as Cowan was concerned, these groups offered a legal remedy by which he could reclaim his farm.⁴⁵⁵

When Cowan attempted to file a lien against the bank which had foreclosed on his farm, however, he was arrested for filing false documents.⁴⁵⁶ He was sentenced to eight years in prison.⁴⁵⁷ He succeeded in raising an \$80,000 appeal bond through the aid of fellow farmers.⁴⁵⁸ This reprieve was only short-lived, however. On the day he was supposed to file his appeal, he was told that he required a transcript of his previous trial – something which would cost \$700.⁴⁵⁹ Unable to come up with the money on short notice, Cowan became a fugitive until he was arrested in Oklahoma City in 1996.⁴⁶⁰ At the time of Dyer's interview, he was still in prison.

From a sociological perspective, it does not matter that Cowan's trial was presumably conducted according to the letter of the law. Nor does it matter that the lien he filed in an effort

⁴⁵³ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 55

⁴⁵⁴ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 57

⁴⁵⁵ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 57

⁴⁵⁶ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 57

⁴⁵⁷ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 58

⁴⁵⁸ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 58

⁴⁵⁹ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 58-59

⁴⁶⁰ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 59

to get his farm back – vaguely described as having to do with the Uniform Commercial Code⁴⁶¹ – was probably nonsense. In Cowan’s mind, and in the minds of his friends and supporters – the system was rigged against him. He did everything he thought was supposed to, and he lost his land, his family, and his freedom. They have a sense that they have exhausted all peaceful avenues of redress, and that their complaints have not, and will not, be heard by those in authority. These attitudes were widespread among rural communities at the time. Dyer cites a sociologist, Bill Heffernan, who observed a series of interactions between bankers, ranchers (likewise facing many of the same economic pressures as the farmers) and agribusiness representatives in North Dakota. Heffernan’s analysis was grim: “The bankers and government officials just didn’t get it. With the level of community depression in North Dakota right now, I’d estimate we’re maybe a year and a half away from a serious shooting war up there.”⁴⁶²

It is striking that Misagh Parsa, writing of events on a different continent (the Iranian Revolution) described a similar phenomena “Government intervention to improve the agrarian sector has benefited large, rich producers at the expense of small cultivators...investment policies have widened the gap between regions...the overall result has been a high level of economic polarization...with the politicization of the market, victimized collectives can more readily identify the state as the source of their suffering.”⁴⁶³

The militia movements lack of success stands in stark contrast to the Black Patch predecessors. The Night Riders enjoyed a degree of success; the militia movement had little to

⁴⁶¹ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 59

⁴⁶² Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 66

⁴⁶³ Misagh Parsa, *Social Origins of the Iranian Revolution* (New Brunswick: Rutgers University Press, 1989). Page 18-20

none. The consolidation of the agricultural sector proceeds apace.⁴⁶⁴ The difference in outcomes is arguably a result of differences in goals and organization. For the Riders, violence was one component of a unified political strategy in pursuit of a specific goal. But the militia movement, as demonstrated by Gideon Cowan, lacked the political and legal understanding to prosecute an integrated pressure campaign. Their plan, such as it was, was to trigger an apocalyptic war in which numerous small independent groups would eventually overthrow the government⁴⁶⁵ This strategy of “leaderless resistance”⁴⁶⁶ has gone on to influence many groups with widely different agendas and origins.⁴⁶⁷ To be sure, more-or-less spontaneous mass movements, such as the Arab Spring⁴⁶⁸, have been known effect major political changes. But such movements are, by their very nature, unpredictable and often impossible to control. The militia movement’s faith in a sort of Second American Revolution betrays a strong element of political millenarianism in their thinking.⁴⁶⁹⁴⁷⁰ In this respect, the militia movement displayed an almost striking level of naivete about the nature of political change. The Night Rider’s connections to local elites and laser focus on pressuring vulnerable actors within the local polity stands in sharp contrast to the apocalyptic visions that led Timothy McVeigh to blow up the Alfred P. Murrah building.

⁴⁶⁴ James Macdonald, Robert Hoppe, and Doris Newton, “Three Decades of Consolidation in U.S. Agriculture” (, 2018), <https://www.ers.usda.gov/webdocs/publications/88057/eib-189.pdf>.

⁴⁶⁵ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 232

⁴⁶⁶ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 232

⁴⁶⁷ MICHAEL, George. 2012. “Leaderless Resistance: The New Face of Terrorism.” *Defence Studies* 12 (2): 257–82. <http://search.ebscohost.com/login.aspx?direct=true&AuthType=ip,shib&db=ijh&AN=62.7075&site=ehost-live&scope=site>.

⁴⁶⁸ O’CONNOR, TOM. 2021. “Arab Spring Reckoning.” *Newsweek Global* 176 (3): 6–10. <http://search.ebscohost.com/login.aspx?direct=true&AuthType=ip,shib&db=f5h&AN=148060952&site=ehost-live&scope=site>.

⁴⁶⁹ Dyer, Joel. 1998. *Harvest of Rage : Why Oklahamo City Is Only the Beginning*. Boulder, Colo. ; Oxford: Westview. Page 212

⁴⁷⁰ Gribben, Crawford. 2002. “‘Passionate Desires, and Confident Hopes’: Puritan Millenarianism and Anglo-Scottish Union, 1560-1644.” *Reformation & Renaissance Review* 4 (2): 241–58. <http://search.ebscohost.com/login.aspx?direct=true&AuthType=ip,shib&db=rfh&AN=ATLA0001525471&site=ehost-live&scope=site>.

Conclusion

Several conclusions may be drawn from these case studies. The first is that radical actors seem to thrive in an environment with both deep-seated partisan cleavages and frustrated socio-economic expectations. The Black Patch War and the militia movement were both driven by specific and easily-identifiable economic grievances. The violence in East Tennessee is less easy to pin to a specific set of economic complaints, enmeshed as it is within the larger historical phenomena of the American Civil War – but Turchin’s analysis suggests that those larger phenomena were themselves intimately related to socio-economic grievances. The war in East Tennessee was so fraught precisely because it amplified pre-existing sectional tensions between those enmeshed within the agrarian aristocracy and those outside of it. In each case, larger economic trends – industrialization, agricultural consolidation, etcetera – created a population ready and willing to mobilize aggressively against perceived enemies.

The intensity of partisanship was in some measure, an indication of how widespread these socio-economic frustrations were. In the case of the Black Patch War and the militia movement, these grievances were confined to a relatively small sector of the population. In the case of the civil war, these grievances were felt across the nation. Equally critically, these cleavages were distributed not only horizontally – people all across the country felt strongly about the future of the union – but vertically. People at every level of society were passionate about the issue. Violence resulting from grievances confined mostly to the bottom layer of society looks very different from the violence of a full-on civil war – more perhaps, like the incidents of strike-breaking that occurred during the Gilded Age period. When elite/near-elite and popular unrest coincide, the center collapses. Radicals thrive, regimes fall and societies are transformed.

The second point is that a divided elite and attendant state weakness exacerbate popular radicalization in a positive feedback loop. When there is consensus among highly-visible politicians and office-holders about norms of conduct and behavior, political disputes are contained within institutional channels. Elections are held, issues are debated, policies are decided according to the normal process. But when elites begin to abandon normal channels, this accelerates unrest in two ways. Firstly, it creates a legitimization crisis, in which the perception that “normal channels” are inadequate to address the current situation grows ever more widespread. Bad faith about the political process feeds on itself; every faction can point to another faction’s violation of institutional norms as justification for its own behavior.

Additionally, elite division contributes to state paralysis. This in turn leads whoever holds the state to look beyond the state for support. As seen in East Tennessee, both Union and Confederate forces, lacking the resources to control the population, turned to whatever segment of society was the most sympathetic to their agenda. Neither Union nor Confederate forces were favorably inclined towards paramilitary organizations, but neither could afford to do without them. This further intensified the legitimization crisis, alienating whatever segment of the population was opposed to the current government. It also contributed to the infiltration of radical groups of the state apparatus, perhaps in some cases making nominally impartial officials in some sense *dependent* on their more radical supports, undermining their ability to de-escalate the situation.

The third major point is that groups which employ violence are more likely to be successful if their aims are relatively narrow, if they have some degree of support from local elites, and if they apply violence selectively. The militia movement was characterized by a political framework that was in many respects shockingly naïve. The destruction of the Alfred P

Murrah building did no more to bring down the established socio-political order than the destruction of the World Trade center did less than a decade later. The developed nation-state remains, on the whole, a robust form of organization, largely impervious to frontal assault by anything other than another nation-state. A frontal assault serves only to invite a devastating response.

On the other hand, selective violence can tip the balance in cases where the forces arrayed on either side of an issue are relatively equal, by pressuring those actors at the margins who are most vulnerable. In the case of the Black Patch war, there was already considerable pressure on the Duke Tobacco company, both as a result of the anti-trust sentiment sweeping the country and from the growing political consciousness of residents of the Black Patch region. “Actors at the margins” in this case meant small planters and middle-class merchants who sought to cut their own deal with the Duke Company, commercial buyers afraid for their personal safety, etc. In such cases, violence may well prove a useful tool for political actors.

The role of radical violence in American political history is often a contentious topic, and is likely to remain so. A survey of the historical record, however, suggests that it is more common than sometimes assumed, and indeed may play a more central role than we give it credit for. Under certain political and economic conditions – a divided center, widespread popular discontent, and competitive elites willing to patronize radical actors – it is likely to be an appealing – and occasionally even successful – instrument for groups to achieve their political goals.

Conclusion: Radical Actors in Contemporary American Politics

The previous chapters discussed three different aspects of Radical-Center interaction in American politics: how radicals resist changes at the center, what makes them cooperate with more mainstream actors, and what allows them to succeed. It remains to apply this model to the contemporary political landscape. A key component of this framework is that these modes of interaction are not mutually exclusive. Political actors can shift their position over time and can operate in different modes in relation to different actors. The previous chapter, discussed the sociodemographic factors which allow confrontational radicalism to flourish: elite competition and a weak and divided political center. An examination of recent political history through the lens of Turchin's structural-demographic theory gives some weight to the idea that the United

States is entering a period of institutional crisis, in which radicalism may become more prevalent. This is not, however, a suggestion that a renewed Civil War is imminent. On the contrary, it is more likely that radicalism will take the form of tactical alliances-of-convenience between different actors. The key lesson of the third chapter was that radical actors are most effective when they have narrowly defined goals and are linked with political elites. It is precisely this form that radicalism is most likely to take in the near future.

Intensification of Elite Competition

Turchin's analysis suggests that the United States is moving through a disintegrative phase,⁴⁷¹ i.e., a period of heightened social and political upheaval. Using data from the Cross-National Time Series database, Turchin identifies a sharp increase in both non-violent protests and violent outbursts, beginning in 2010 after several decades in which such demonstrations remained stable or declined.⁴⁷² According to his model, this apparent increase in political unrest is not simply the result of various proximate causes – the growth of social media⁴⁷³, the uniquely idiosyncratic leadership style of Donald Trump,⁴⁷⁴ etc. Rather, “until the fundamental SD drivers for instability are reversed, there will be other triggering events.”⁴⁷⁵

⁴⁷¹ Peter Turchin and Andrey Korotayev, “The 2010 Structural-Demographic Forecast for the 2010–2020 Decade: A Retrospective Assessment,” ed. Thilo Gross, *PLOS ONE* 15, no. 8 (August 17, 2020): e0237458, <https://doi.org/10.1371/journal.pone.0237458>.

⁴⁷² Peter Turchin and Andrey Korotayev, “The 2010 Structural-Demographic Forecast for the 2010–2020 Decade: A Retrospective Assessment,” ed. Thilo Gross, *PLOS ONE* 15, no. 8 (August 17, 2020): e0237458, <https://doi.org/10.1371/journal.pone.0237458>. Page 7-8

⁴⁷³ Lee De-Wit, Sander Van Der Linden, and Cameron Brick, “Are Social Media Driving Political Polarization?,” *Greater Good*, January 16, 2019, https://greatergood.berkeley.edu/article/item/is_social_media_driving_political_polarization.

⁴⁷⁴ Peter Turchin and Andrey Korotayev, “The 2010 Structural-Demographic Forecast for the 2010–2020 Decade: A Retrospective Assessment,” ed. Thilo Gross, *PLOS ONE* 15, no. 8 (August 17, 2020): e0237458, <https://doi.org/10.1371/journal.pone.0237458>. Page 12

⁴⁷⁵ Peter Turchin and Andrey Korotayev, “The 2010 Structural-Demographic Forecast for the 2010–2020 Decade: A Retrospective Assessment,” ed. Thilo Gross, *PLOS ONE* 15, no. 8 (August 17, 2020): e0237458, <https://doi.org/10.1371/journal.pone.0237458>. Page 12

The first of Turchin's criteria that can now be evaluated based on the findings of this case studies analyzed in the previous chapters is elite competition. This may be measured in several ways. Turchin himself uses the ROI of a law degree, pointing out the large number of lawyers in Congress⁴⁷⁶ and arguing that law school students may be thought of as upwardly-mobile "elite aspirants". Statistics from the American Bar Association reveal a bimodal distribution to new lawyers starting salaries, with some making \$160,000 annually, and many more making \$40-60,000.⁴⁷⁷ Given the considerable time spent and debt incurred to pursue a law degree, these low-earning lawyers may be thought of as *failed* elite-aspirants.⁴⁷⁸ This bimodal salary distribution also echoes the split between high-earning and low-earning college students discussed above.

Another possible measure of intra-elite competition may be college admissions. A handful of Ivy-League Universities are widely considered to be the most prestigious⁴⁷⁹, and produce a disproportionately high number of Supreme Court justices⁴⁸⁰ and government officials.⁴⁸¹ Competition for places at these schools is fierce, with applicants being admitted at rate of around 6.5%.⁴⁸² More importantly, these schools have become *more* competitive over the past several decades.⁴⁸³ The acceptance rate at Stanford, for instance, declined from 19.3% to 4%

⁴⁷⁶ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page 85

⁴⁷⁷ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page 85

⁴⁷⁸ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page 85

⁴⁷⁹ "Ivy League Rankings 2021: The Definitive Guide," Shemmassian Academic Consulting, 2021, <https://www.shemmassianconsulting.com/blog/ivy-league-rankings>.

⁴⁸⁰ "Where Supreme Court Justices Earned Law Degrees," WTOP, November 5, 2020, <https://wtop.com/news/2020/11/where-supreme-court-justices-earned-law-degrees/>.

⁴⁸¹ Jacob Bower-Bir, "Rpubs - US Cabinet Pedigree and Perceptions of University Elite Status," rpubs.com, May 2, 2021, <https://rpubs.com/jbowerbir/cabinetPedigree>.

⁴⁸² "Exploring Ivy League Acceptance Rates," Spark Admissions, March 20, 2020, <https://www.sparkadmissions.com/blog/ivy-league-acceptance-rates-just-how-hard-is-it-to-get-in/>.

⁴⁸³ "Exploring Ivy League Acceptance Rates," Spark Admissions, March 20, 2020, <https://www.sparkadmissions.com/blog/ivy-league-acceptance-rates-just-how-hard-is-it-to-get-in/>.

from 1990 to 2019.⁴⁸⁴ Columbia's acceptance rate declined even more dramatically, from 32.3% to 5.1%.⁴⁸⁵ These schools have gotten so much more competitive because the number of places available has not grown in proportion to the rising numbers of applicants.⁴⁸⁶ A comparison of the undergraduate student population at Ivy-League schools in 1986⁴⁸⁷ with contemporary class sizes suggests that they have remained virtually unchanged for decades. In 1976, for example, Yale had an undergraduate population of just over 5000⁴⁸⁸; today it has a population of just under 5000.⁴⁸⁹ Meanwhile, it had just under 10,000 applicants in 1976⁴⁹⁰; in 2021 it received a little over 46,000 applicants.⁴⁹¹ Insofar as Yale is an elite school, we can assess that the competition for elite status has gotten significantly more intense.

Another useful proxy for elite competition may be elections. In a society where established elites were relatively secure, we would expect incumbent politicians to be re-elected by a comfortable margin. Likewise, we would expect the cost of political campaigns to remain relatively stable, increasing no more than the rate of inflation. But this is not the case in the United States. As of 2021, the margins of victory for both Senate and House elections were

⁴⁸⁴ "Exploring Ivy League Acceptance Rates," Spark Admissions, March 20, 2020, <https://www.sparkadmissions.com/blog/ivy-league-acceptance-rates-just-how-hard-is-it-to-get-in/>.

⁴⁸⁵ "Exploring Ivy League Acceptance Rates," Spark Admissions, March 20, 2020, <https://www.sparkadmissions.com/blog/ivy-league-acceptance-rates-just-how-hard-is-it-to-get-in/>.

⁴⁸⁶ Jacoba Urist, "Is College Really Harder to Get into than It Used to Be?," The Atlantic, April 4, 2014, <https://www.theatlantic.com/education/archive/2014/04/is-college-really-harder-to-get-into-than-it-used-to-be/360114/>.

⁴⁸⁷ "Student Enrollments in the Ivy League and MIT, 1986-199" (New Haven, CT: Yale University Office of Institutional Research, June 8, 1999).

⁴⁸⁸ George Pierson and Beverly Waters, "A Yale Book of Numbers," *Yale.Edu* (New Haven, CT: Yale Office of Institutional Research, August 2001), https://oir.yale.edu/sites/default/files/pierson_update_1976-2000.pdf. Page 5

⁴⁸⁹ "Yale Facts," Yale University, August 3, 2015, <https://www.yale.edu/about-yale/yale-facts>.

⁴⁹⁰ "Summary of Yale College Admissions Class of 1980 to Class of 2022," Yale.Edu (Yale Office of Institutional Research, January 7, 2019), https://oir.yale.edu/sites/default/files/w033_fresh_admissions.pdf.

⁴⁹¹ Amelia Davidson 7:05 pm, Apr 06, and 2021, "Yale's Acceptance Rate Drops to 4.62 Percent amid Record Applicant Pool," Yale Daily News, April 6, 2021, <https://yaledailynews.com/blog/2021/04/06/yales-acceptance-rate-drops-to-4-62-percent-amid-record-applicant-pool/>.

lower than in any year since 2012.⁴⁹² Three House races were decided by less than 500 votes.⁴⁹³ At the same time, election spending has increased dramatically. The 2020 election cycle was the most expensive in history, by a staggering 14.6 billion dollars, more than in the previous two presidential election cycles combined.⁴⁹⁴ Much of the spending increase was concentrated in the Presidential election, perhaps unsurprising considering the uniquely polarizing style of Donald Trump.⁴⁹⁵ But there was a nearly-equal growth in congressional election spending, suggesting that the increase cannot be attributed to Trump alone.⁴⁹⁶

Taken together, this data suggest an intensified struggle for political office among elites and elite-aspirants. This intensified struggle is not in and of itself a guarantee of an increasing confrontation between radicals and the center. It does, however, make it more likely. “Entrepreneurial” elites, denied easy access to the apparatus of the state, are more likely to form tactical alliances with radical actors in pursuit of their personal and policy goals. Intensified elite competition also makes it more difficult for the state to act effectively against radical actors. Entrepreneurial elites are reluctant to take action which might alienate their supporters, and are likely to distance themselves from, or actively hinder these efforts. At the same time, as demonstrated by the relationship both Union and Confederate governments formed with paramilitary groups in East Tennessee, a state stretched to the limit of its resources is likely to take help wherever it can. “Wherever it can” differs depending on who currently holds the reins of the state, but the pattern of enabling radical actors persists. In other words, such a situation

⁴⁹² David Luchs, “Average Margin of Victory in U.S. House Races Reaches Decade-Long Low – Ballotpedia News,” Ballotpedia, January 20, 2021, <https://news.ballotpedia.org/2021/01/20/average-margin-of-victory-in-u-s-house-races-reaches-decade-long-low/>.

⁴⁹³ Ibid

⁴⁹⁴ The Center for Responsive Politics A 501tax-exempt et al., “Most Expensive Ever: 2020 Election Cost \$14.4 Billion,” OpenSecrets News, February 11, 2021, <https://www.opensecrets.org/news/2021/02/2020-cycle-cost-14p4-billion-doubling-16/>.

⁴⁹⁵ Ibid

⁴⁹⁶ Ibid

makes it more likely that radical groups will operate in a *cooperative* mode with select elites and elite aspirants, while simultaneously operating in the *confrontational* mode against other elites and the state itself. The evidence for this trend is discussed later in this chapter.

Popular Immiseration and Reactive Radicalism

Another major criteria for Turchin is “popular immiseration”, i.e., declining standards of living amongst the majority of the population.⁴⁹⁷ Upward economic mobility in the United States has declined sharply since the middle of the twentieth century; middle-class people born after 1980 have only a 45% chance of out-earning their parents, compared to 81% for those born a generation earlier.⁴⁹⁸ Real wages have remained essentially stagnant for nearly half-a-century.⁴⁹⁹ What wage growth has occurred has been concentrated amongst the upper echelons of the working population; workers without college degrees have actually had their wages decrease since 1979.⁵⁰⁰ Even for college graduates, most wage increases have accrued to the top 90th percentile, i.e., the most highly-earning college graduates earn substantially more than their lowest-earning co-graduates.⁵⁰¹ As measured by the Gini coefficient, the United States has the highest wealth inequality of any G7 country.⁵⁰²

⁴⁹⁷ Peter Turchin, *Ages of Discord : A Structural-Demographic Analysis of American History* (Chaplin, Connecticut: Beresta Books, 2016). Page 12

⁴⁹⁸ Marcus Lu, “Is the American Dream Over? Here’s What the Data Says,” World Economic Forum, September 2, 2020, <https://www.weforum.org/agenda/2020/09/social-mobility-upwards-decline-usa-us-america-economics/>.

⁴⁹⁹ Drew DeSilver, “For Most U.S. Workers, Real Wages Have Barely Budged in Decades,” Pew Research Center (Pew Research Center, August 7, 2018), <https://www.pewresearch.org/fact-tank/2018/08/07/for-most-us-workers-real-wages-have-barely-budged-for-decades/>.

⁵⁰⁰ John Schmidt, Elise Gould, and Josh Bivens, “America’s Slow-Motion Wage Crisis: Four Decades of Slow and Unequal Growth,” Economic Policy Institute, 2018, <https://www.epi.org/publication/americas-slow-motion-wage-crisis-four-decades-of-slow-and-unequal-growth-2/>.

⁵⁰¹ John Schmidt, Elise Gould, and Josh Bivens, “America’s Slow-Motion Wage Crisis: Four Decades of Slow and Unequal Growth,” Economic Policy Institute, 2018, <https://www.epi.org/publication/americas-slow-motion-wage-crisis-four-decades-of-slow-and-unequal-growth-2/>.

⁵⁰² No Author, “U.S. Has Highest Level of Income Inequality among G7 Countries,” Pew Research Center, February 7, 2020, https://www.pewresearch.org/fact-tank/2020/02/07/6-facts-about-economic-inequality-in-the-u-s/ft_20-02-04_economicinequality_2/.

The Covid-19 pandemic has aggravated pre-existing class tensions within the country.⁵⁰³ For most middle-class professionals, working from home is an inconvenience. For many blue-collar workers, it is simply not an option. Adherence to social distancing guidelines corresponds closely with income levels, with lower-income groups being less likely to adhere.⁵⁰⁴ Ethnographers observing footage of anti-lockdown protests observed that protesters frequently complained about the lack of work.⁵⁰⁵ It is estimated that the hardest-hit sectors of the economy are precisely those which are the lowest-paying.⁵⁰⁶ Employees in low and middle-wages jobs were significantly more likely to face layoffs than those in high-paying sectors.⁵⁰⁷ Thus the “popular immiseration” Turchin described has worsened.

Legitimacy and Violence

There is also evidence that Americans are becoming increasingly willingly to support the use of violence as a political instrument. According to a poll conducted by the (right-leaning) American Enterprise Institute, just over a third of the country feels “The traditional American way of life is disappearing so fast that we may have to use force to save it.”⁵⁰⁸ Support for violence was significantly higher among Republicans (39%), but a significant minority (17%) of

⁵⁰³ Story by Olga Khazan, “How the Coronavirus Could Create a New Working Class,” The Atlantic, April 2020, <https://www.theatlantic.com/health/archive/2020/04/coronavirus-class-war-just-beginning/609919/>.

⁵⁰⁴ Richard V. Reeves and Jonathan Rothwell, “Class and COVID: How the Less Affluent Face Double Risks,” Brookings, March 27, 2020, <https://www.brookings.edu/blog/up-front/2020/03/27/class-and-covid-how-the-less-affluent-face-double-risks/>.

⁵⁰⁵ The Conversation Diana Daly, “An Ethnographer Tries to Understand the Anti-Lockdown Protests Erupting across the US,” Scroll.in, May 6, 2020, <https://scroll.in/article/961017/an-ethnographer-tries-to-understand-the-anti-lockdown-protests-erupting-across-the-us>.

⁵⁰⁶ Patricia Buckley and Akrur Barura, “Covid 19’S Impact on US Income Inequality” (<https://www2.deloitte.com/us/en/insights/economy/issues-by-the-numbers/covid-19-impact-on-income-inequality.html>, July 23, 2020). Page 8

⁵⁰⁷ Patricia Buckley and Akrur Barura, “Covid 19’S Impact on US Income Inequality” (<https://www2.deloitte.com/us/en/insights/economy/issues-by-the-numbers/covid-19-impact-on-income-inequality.html>, July 23, 2020). Page 9

⁵⁰⁸ Daniel Cox, “After the Ballots Are Counted: Conspiracies, Political Violence, and American Exceptionalism,” The Survey Center on American Life, February 11, 2021, <https://www.americansurveycenter.org/research/after-the-ballots-are-counted-conspiracies-political-violence-and-american-exceptionalism/>.

Democrats agreed with the statement “If elected leaders will not protect America, the people must do it themselves even if it requires taking violent actions.”⁵⁰⁹ This suggests that the Mass Mobilization Potential of the country – Turchin’s measure of the general populations’ willingness to militate against the state – seems to be quite high. Another data point in favor of this interpretation comes from the range of participants in the Capitol Hill insurrection. An initial survey by the University of Georgetown suggested that the largest category of participants were not those with pre-existing ties to radical organizations, but rather “inspired believers” who more or less spontaneously answered the call to “stop the steal.”⁵¹⁰ Those with pre-existing ties to radical groups may have played a disproportionate role in spurring the group to violent action,⁵¹¹ but they seem to have found a ready audience. In many respects, the range of participants were notable for how representing a broad cross-section of society, confounding many conventional images of the “typical” participant in political upheavals.⁵¹² In short, the intense partisan cleavages that figured prominently in the last chapter are once again in evidence.

Equally concerning is the prospect that elites and elite-aspirants may become willing to tacitly condone the use of violence as a political tool. As discussed in the case of the militia movement, the decision to use violence was preceded by a rejection of the legitimacy of established institutions of government. In the case of the militia movement, this rejection was cast in somewhat bizarre legalistic rhetoric that was largely opaque to anyone outside the

⁵⁰⁹ Daniel Cox, “After the Ballots Are Counted: Conspiracies, Political Violence, and American Exceptionalism,” The Survey Center on American Life, February 11, 2021, <https://www.americansurveycenter.org/research/after-the-ballots-are-counted-conspiracies-political-violence-and-american-exceptionalism/>

⁵¹⁰ “Program on Extremism ‘This Is Our House!’ a Preliminary Assessment of the Capitol Hill Siege Participants” (, 2021), <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/This-Is-Our-House.pdf>. Page 18

⁵¹¹ Jennifer Valentino-DeVries et al., “A Small Group of Militants’ Outsize Role in the Capitol Attack,” *The New York Times*, February 21, 2021, sec. U.S., <https://www.nytimes.com/interactive/2021/02/21/us/capitol-riot-attack-militants.html>.

⁵¹² Robert A. Pape Ruby Keven, “The Capitol Rioters Aren’t like Other Extremists,” *The Atlantic*, February 2, 2021, <https://www.theatlantic.com/ideas/archive/2021/02/the-capitol-rioters-arent-like-other-extremists/617895/>.

movement. But the logic or lack thereof of a group's decision to reject the legitimacy of governing institutions is not the point. The point is simply that they *do* reject their legitimacy. This rejection may not be in and of itself a call for violence. But it can easily become that, or be interpreted as that by the general public.

Most obvious of course is then-President Trump's refusal to accept the results of the 2020 election.⁵¹³ So vehement were his denials and his assertions of fraud that some have alleged they constituted an incitement to riot⁵¹⁴ (though the Senate ultimately rejected this allegation).⁵¹⁵ Trump's allegations are noteworthy for their brazenness and their absurdity,⁵¹⁶ something which makes them easy to dismiss as the conspiratorial ravings of a demagogue. But other, subtler rejections of institutional legitimacy have proliferated in recent years. Former presidential candidate Hillary Clinton⁵¹⁷ called Trump an "illegitimate" president and blamed "weaponized false information",⁵¹⁸ while former President Jimmy Carter said "[Russian] interference...if fully investigated would show that Trump didn't actually win the election."⁵¹⁹ A poll early in Trump's

⁵¹³ James McGovern, "PROVIDING for CONSIDERATION of the RESOLUTION (H. RES. 24) IMPEACHING DONALD JOHN TRUMP, PRESIDENT of the UNITED STATES, for HIGH CRIMES and MISDEMEANORS." (2021).

⁵¹⁴ James McGovern, "PROVIDING for CONSIDERATION of the RESOLUTION (H. RES. 24) IMPEACHING DONALD JOHN TRUMP, PRESIDENT of the UNITED STATES, for HIGH CRIMES and MISDEMEANORS." (2021).

⁵¹⁵ David N. Cicilline, "Text - H.Res.24 - 117th Congress (2021-2022): Impeaching Donald John Trump, President of the United States, for High Crimes and Misdemeanors.," [www.congress.gov](https://www.congress.gov/bills/117/congressional_acts_and_resolutions/24/text), March 4, 2021, <https://www.congress.gov/bill/117th-congress/house-resolution/24/text>.

⁵¹⁶ "Joint Statement from Elections Infrastructure Government Coordinating Council & the Election Infrastructure Sector Coordinating Executive Committees | CISA," [www.cisa.gov](https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election), November 12, 2020, <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>.

⁵¹⁷ Colby Itkowitz, "Hillary Clinton Says Donald Trump 'Knows He's an Illegitimate President,'" *The Independent*, September 27, 2019, <https://www.independent.co.uk/news/world/americas/us-politics/hillary-clinton-trump-impeachment-illegitimate-president-2016-election-cbs-a9122986.html>.

⁵¹⁸ <https://www.motherjones.com/politics/2017/11/hillary-clinton-on-trumps-election-there-are-lots-of-questions-about-its-legitimacy/>

⁵¹⁹ By Veronica Stracqualursi CNN, "Jimmy Carter Suggests Trump Is an Illegitimate President | CNN Politics," CNN, June 28, 2019, <https://www.cnn.com/2019/06/28/politics/jimmy-carter-trump-russia-interference/index.html>.

presidency suggested that a majority of American's actually viewed *him* as illegitimate.⁵²⁰

Indeed, one analysis suggests that the last *five* presidents have all been plagued by allegations of illegitimacy to varying degrees.⁵²¹

Trump's rhetoric has been uniquely strident and inflammatory, and has had uniquely disruptive results. But the attitudes he espouses are subtly becoming normalized amongst a broad segment of the population. The substance of these accusations differ on each side of the aisle. It is harder to disprove the claim that Russian information operations influenced the election or that election laws have unfairly suppressed minority voters⁵²² than it is to disprove the assertions of massive voter fraud.⁵²³ But for purposes of socio-political dynamics, the relative probability of each side's claims is irrelevant. All that matters is the growing perception of illegitimacy is widespread.

Also of concern is the idea that elements of the state may actually be collaborating with extremist elements. A number of police officers have been charged with participation in the capitol riots.⁵²⁴ A disproportionate number of those arrested are military veterans, approximately 12%.⁵²⁵ Some members of Congress have actually alleged that the rioters were supported by

⁵²⁰ Associated Press, "Poll Finds Most Young Americans See Trump as Illegitimate President," NBC News, March 17, 2017, <https://www.nbcnews.com/news/us-news/majority-young-americans-view-trump-illegitimate-president-poll-n735426>.

⁵²¹ Paul Ratner, "Last Five American Presidents Seen as Illegitimate in Dangerous Trend," Big Think, November 10, 2020, <https://bigthink.com/politics-current-affairs/last-five-american-presidents-seen-as-illegitimate-in-dangerous-trend?rebelltitem=7#rebelltitem7>.

⁵²² Rebecca Solnit, "One Year On, Donald Trump Is Still an Illegitimate President | Rebecca Solnit," the Guardian, November 8, 2017, <https://www.theguardian.com/commentisfree/2017/nov/08/donald-trump-illegitimate-president-rebecca-solnit>.

⁵²³ "Refuting the Myth of Voter Fraud yet Again | Brennan Center for Justice," www.brennancenter.org, January 6, 2021, <https://www.brennancenter.org/our-work/research-reports/refuting-myth-voter-fraud-yet-again>.

⁵²⁴ Eric Westervelt, "Off-Duty Police Officers Investigated, Charged with Participating in Capitol Riot," NPR.org, January 15, 2021, <https://www.npr.org/2021/01/15/956896923/police-officers-across-nation-face-federal-charges-for-involvement-in-capitol-ri>.

⁵²⁵ Jordan Fischer, "43 Military Veterans Now Charged in Capitol Riot," wusa9.com, April 13, 2021, <https://www.wusa9.com/article/news/national/capitol-riots/capitol-riot-13-of-military-arrestees-have-ties-to-domestic-extremist-groups-jeffrey-mckellop-jessica-watkins-oath-keepers-proud-boys-thomas-caldwell/65-b6c41c04-8052-4483-b98f-eae6d6eabbf5#:~:text=Milton%20and%20Mines%20identified%2043>.

other members of Congress or by congressional staffers.⁵²⁶ It is difficult to fully evaluate the veracity of such claims, in part because Republican members of Congress have actually blocked efforts to create an investigative committee.⁵²⁷ As discussed above, divisions in the center have limited the state's ability to act strongly against potential threats.

The New Normal?

If we are entering a legitimacy crisis, where violence seems to be a legitimate tactic for both the masses and the elites, what form will this violence likely take? To understand this we should refer once more to the previous chapter. As established there, violence is most likely to be successful when employed tactically rather than strategically, in pursuit of limited goals with the support of local elites. The Capitol Riot, and the ongoing political and legal reaction to it, represents the failure of frontal assault on the state as a strategy. The election was obviously not overturned, and participants faced severe penalties. Trump himself has taken steps to distance himself from the event.⁵²⁸ The assault on democracy was simply too high-profile to go unanswered, even by those who stood to benefit from it.

However, this does not mean that competitive elites or disaffected masses will spontaneously renew their belief in the procedural norms of American democracy and firmly renounce violence as a tool. It does mean that they will likely be drawn to subtler and more

⁵²⁶ Josh Salman, "Capitol Riot: What We Know about Allegations of inside Help from Members of Congress," USA TODAY, January 14, 2021, <https://www.usatoday.com/story/news/investigations/2021/01/15/capitol-riot-what-we-know-allegations-inside-help/4172327001/>.

⁵²⁷ Mary Clare Jalonick, "House GOP Leaders Won't Support Probe of Jan. 6 Capitol Riot," AP NEWS, June 29, 2021, <https://apnews.com/article/joe-biden-capitol-siege-bills-government-and-politics-68f90cb992a1cfff1ff3f96009e44050e>.

⁵²⁸ Kevin Breuninger, "Trump, Facing Second Impeachment Trial, Condemns Capitol Violence a Week after Riot," CNBC, January 13, 2021, <https://www.cnbc.com/2021/01/13/trump-condemns-capitol-violence-a-week-after-riot-as-he-faces-second-impeachment-trial.html>.

carefully targeted forms of violence. For example, one can imagine armed paramilitary or law enforcement officials intimidating voters at polling places,⁵²⁹ as has happened in the past.⁵³⁰

Alternatively, one could imagine a violent pressure campaign directed against key officials in an effort to nullify a disliked policy. Throughout the Covid-19 pandemic public health officials were frequently subject to threats and harassment while at the same time elected officials debated the extent of decision-making power to delegate to administrative agencies.⁵³¹ There have been no published studies about the extent to which these threats affected the administration of Covid-19 pandemic response restrictions. But it is conceivable that at a state or county level, an effectively-coordinated pressure campaign could have significantly impeded effective implementation, particularly in a locale where public health officials lacked support from elected leaders. In such a case, violent intimidation becomes one more “thumb on the scales,” tipping the balance of power in one way or another. It is conceivable that sufficiently competitive elites could resort to such tactics with increasing frequency.

How could this tendency be mitigated? Elites could renounce these tactics of course, but if Turchin’s analysis has any validity, it suggests that they are unlikely to do so. Elites, like other demographic groups, respond to incentives, and the current incentive structure – high degrees of intra-elite competition, a divided center unable to counter radicals effectively, and a large population of disaffected potential recruits – gives them little reason to do so. An alternative strategy might be to pursue a policy of decentralization, “lowering the stakes” of political

⁵²⁹ “Voters Should Not Be Intimidated | Brennan Center for Justice,” www.brennancenter.org, October 7, 2020, <https://www.brennancenter.org/our-work/research-reports/voters-should-not-be-intimidated>.

⁵³⁰ Matt Katz, “Armed Men Once Patrolled the Polls. Will They Reappear in November? | WNYC | New York Public Radio, Podcasts, Live Streaming Radio, News,” WNYC, September 1, 2016, <https://www.wnyc.org/story/armed-men-once-patrolled-polls-will-they-reappear-november/>.

⁵³¹ Cheryl Clark, “Insults, Threats of Violence Still Imperil Public Health Leaders,” www.medpagetoday.com, February 25, 2021, <https://www.medpagetoday.com/special-reports/exclusives/91357>.

competition. The rise of so-called “Sanctuary cities”,⁵³² calls for “Blue Exit”,⁵³³ and “Calexit”⁵³⁴ on the left, and the rise of “Second Amendment” sanctuaries on the right⁵³⁵ are both examples of lower-level political units attempting to go their own way in spite of their *de jure* and *de facto* subordination to higher levels of government. In a similar vein, no less a figure than Supreme court Justice Clarence Thomas has recently criticized the legal ambiguity surrounding cannabis as a result of contradictory state and Federal policies.⁵³⁶

Such a policy would require sacrifice on the part of elite “winners”. As a general rule, the victors in a hard-fought contest are not inclined to share the fruits of their victory. If current trends continue, the struggle for political office will remain increasingly hard-fought, and those who succeed may be reluctant to share power. But such a policy could do much to mitigate the intensity of intra-elite struggles, by providing alternative avenues of advancement for failed elite-aspirants. It might also mitigate the *reactive* trends which appear to drive mass-mobilization potential. Given recent events, such a strategy may be worth considering.

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⁵³² Loren Collingwood, “The Rise of Sanctuary Cities in the United States | Nccr – on the Move,” nccr-onthemove.ch, January 23, 2020, <https://nccr-onthemove.ch/blog/the-rise-of-sanctuary-cities-in-the-united-states/>.

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